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CHARTER

AND

REVISED ORDINANCES

OF THE

CITY OF GALVESTON,

EMBRACING ALL ORDINANCES IN FORCE TO

APRIL 2d, 1872.

Revised by Branch T. Masterson, Esq.

GALVESTON:
PRINTED AT THE "DAILY CIVILIAN" BOOK AND JOB OFFICE.
1872.

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1872

BARNES 5-27-18

CATALOGUE

OF THE

CITY GOVERNMENT,

REMOTE STORAGE

From its Incorporation, March, 1839, to March, 1872.

BOOKSTACKS OFFICE

March, 1839, to June 1840.

MAYOR.

JOHN M. ALLEN.

ALDERMEN. (A.)

Gail Borden, jr.,	C. H. Vanwinckle,
Joseph Taylor,	John S. Evans,
W. B. Nichols,	N. B. Yard,
Josh. C. Shaw,	B. Watson,
C. F. Baumlin,	D. S. Kelsey,
N. Taylor,	L. Wescott,
N. Griffith,	C. M. Gahagan,

John Derrick.

John N. Reed, Secretary; Leander Wescott, Marshal; Peter J. Menard, Treasurer; Lent M. Hitchcock, Harbor Master; James M. McKnight, Recorder.

June 1840, (B.) to March 1841.

MAYOR.

JOHN H. WALTON.

ALDERMEN.

Josh. C. Shaw,	B. A. Shepard,
W. B. Nichols,	Michael Seeligson,
Lent M. Hitchcock,	Peter J. Menard.
S. W. Tichenor,	John D. Groesbeck,

John S. Sydnor.

George Haswell, Secretary; Leander Wescott, Marshal; William Fields, Treasurer; J. Selden, Harbor Master.

(A.) The Board consisted always of nine Aldermen, but several resigned in 1839, and their places were filled.

(B.) In 1840 occurred the war of the old and new charter parties. From June to August, Allen and Walton both claimed to be Mayor, with distinct Aldermen. Walton and the new charter triumphed.

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1841.

MAYOR.

JOHN M. ALLEN.

ALDERMEN.

Oscar Farish,	Jacob L. Briggs,
A. J. Cody,	Stephen Kirkland,
W. B. Nichols,	S. W. Tichenor,
Lent M. Hitchcock,	James Foulhouze,

R. M. Hannay.

John S. Jones, Secretary; Leander Wescott, Marshal; J. M. Branham, Treasurer; Lent M. Hitchcock, Harbor Master.

1842.

MAYOR.

J. M. BRANHAM.

ALDERMEN.

Hamilton Stuart,	A. Swingle,
Andrew Baldinger,	Lent M. Hitchcock,
Alden A. M. Jackson,	John M. Jones,
Oscar Farish,	William Garlic,

A. C. Crawford.

Alfred F. James, Secretary; Leander Wescott, Marshal; T. T. Hopkins, Treasurer; Lent M. Hitchcock, Harbor Master.

1843.

MAYOR.

JOHN M. ALLEN.

ALDERMEN.

Hamilton Stuart,	M. Meugins,
Francis Q. Brown,	Oscar Farish,
Lent M. Hitchcock,	A. J. Maynard,
Josh. C. Shaw,	E. L. Ufford.

John S. Jones, Secretary; Leander Wescott, Marshal; Frank Hitchcock, Treasurer; Lent M. Hitchcock, Harbor Master; F. H. Merriman, Recorder.

1844.

MAYOR.

JOHN M. ALLEN.

ALDERMEN.

John M. Jones,	Jacob L. Briggs,
Lent M. Hitchcock,	R. P. Jones,

Josh. C. Shaw, E. Sevier,
A. J. Maynard, A. C. Crawford,
John Armstrong.

Daniel Marston, Secretary; J. H. F. Chapman, Marshal; Frank Hitchcock, Treasurer; N. Hurd, Harbor Master; Stacy B. Lewis, Aaron Burns, J. Lambert, Port Wardens (first authorized).

1845.

MAYOR.

JOHN M. ALLEN.

ALDERMEN.

Oscar Farish, James Cronican,
John H. Bennett, John Armstrong,
Jacob L. Briggs, John M. Jones,
A. C. Crawford, Lent M. Hitchcock,
Hamilton Stuart.

Daniel Marston, Secretary; J. H. F. Chapman, Marshal; Frank Hitchcock, Treasurer; N. Hurd, Harbor Master; Aaron Burns, J. Selden, J. M. Seymour, Port Wardens.

1846.

MAYOR.

JOHN S. SYDNOR.

ALDERMEN.

Oscar Farish, Simon L. Jones,
A. C. Crawford, Hamilton Stuart,
A. J. Maynard, Wm. C. Byrne,
John H. Bennett, Antone Officier,
H. A. Cobb.

Daniel Marston, Secretay; Ferdinand Flake, Marshal; Lent M. Hitchcock, Treasurer, Luke A. Falvel, Harbor Master; Stacy B. Lewis, Aaron Burns, F. R. Cobb, Port Wardens.

1847.

MAYOR.

JOHN S. SYDNOR.

ALDERMEN.

Oscar Farish, E. S. Wood,
A. C. Crawford, S. W. Tichenor,
E. L. Ufford, Stephen Kirkland,
Josh. C. Shaw, H. A. Cobb,
A. J. Maynard.

Daniel Marston, Secretary; W. N. Sparks, Marshal; Lent M. Hitchcock, Treasurer; F. R. Cobb, Harbor Master; Stacy B. Lewis, Aaron Burns, J. Perry, Port Wardens.

1848.

MAYOR.

JOSEPH BATES.

ALDERMEN.

John L. Darragh, Stephen Southwick,
Morgan L. Parry, James G. Hurd,
George H. Delesdernier, James M. Brown,
Lent M. Hitchcock, Wm. R. Smith,
Michael Seeligson.

Daniel Marston, Secretary; John Howe, Marshal; Lent M. Hitchcock, Treasurer; Aaron Burns, Harbor Master; N. Hurd, Henry Austin, Charles Behling, Port Wardens.

1849.

MAYOR.

HAMILTON STUART.

ALDERMEN.

Morgan L. Parry, Charles L. Beisner,
George H. Delesdernier, Cephas B. Adams,
John L. Darragh, Wm. R. Smith,
Christopher Fox, E. L. Ufford,
Ephraim McLean.

E. A. Rhodes, Secretary; N. S. Hill, Marshal; John H. Bennett, Treasurer; Aaron Burns, Harbor Master; Nathaniel Hoyt, Henry Austin, Charles Behling, Port Wardens.

1850.

MAYOR.

HAMILTON STUART.

ALDERMEN.

E. P. Hunt, Josh. C. Shaw,
George Ball, H. A. Cobb,
Charles L. Beisner, Benj. Van Buren,
Henry Journeay, George H. Delesdernier,
E. O. Lynch.

Wm. M. Serjeant, Secretary; Powell R. Edwards, Marshal; John H. Bennett, Treasurer; Thomas W. Marshal, Harbor Master; Charles Behling, N. Hoyt, A. P. Lufkin, Port Wardens.

1851.

MAYOR.

HAMILTON STUART.

ALDERMEN.

E. P. Hunt, Simon L. Jones,
E. O. Lynch, George H. Delesdernier,

Mark M. Potter, Henry Journeay,
Charles L. Beisner, James P. Sherwood,
Allen Lewis.

Wm. M. Sergeant, Secretary; Powell R. Edwards, Marshal; Lent M. Hitchcock, Treasurer; Thomas W. Marshal, Harbor Master; N. Hoyt, Aaron Burns, Charles Behling, Port Wardens.

1852.

MAYOR.

HAMILTON STUART.

ALDERMEN.

E. O. Lynch, George H. Delesdernier,
S. Graves, Edward Keough,
E. L. Ufford, Cephas B. Adams,
F. W. Schmidt, Wm. F. Crow,
Charles Behling.

Wm. M. Sergeant, Secretary; N. S. Hill, Marshal; John H. Bennett, Treasurer; N. Hoyt, Harbor Master; A. P. Lufkin, H. A. Wilson, H. W. Patrick, Port Wardens; Edward Drew, Sexton.

1853.

MAYOR.

M. SEELIGSON (resigned), WILLARD RICHARDSON.

ALDERMEN.

John S. Jones, Stephen Kirkland,
Jacob H. Thackera, Jacob L. Briggs,
Michael Jordan, David Webster,
Christopher Fox, John P. Davie,
J. H. Le Pert

Leroy H. Smith, Secretary; N. S. Hill, Marshal; John H. Bennett, Treasurer; N. Hoyt, Harbor Master; H. W. Patrick, E. L. Ufford, Dan Philips, Port Wardens; John N. Reed, Searcher of Vessels; Edward Drew, Sexton.

1854.

MAYOR.

JAMES CRONICAN.

ALDERMEN.

E. Walbridge, Edward Hill,
James Sorley, Charles L. Beisner,
Gilbert Winnie, P. R. Edwards,
John S. Jones, Isadore Dyer,
Jacob L. Briggs,

Leroy H. Smith, Secretary; John N. Reed, Marshal; John H. Bennett, Treasurer; Thomas W. Marshal, Harbor

Master; Dan. Philips, Josh. C. Shaw, George Westrop, Port Wardens; Peter Delbrel, Searcher of Vessels; Edward Drew, Sexton.

1855.

MAYOR.

JAMES E. HAVILAND.

ALDERMEN.

Hamilton Stuart,	James Cronican,
H. B. Martin,	Jacob L. Briggs,
John M. Jones,	Allen Lewis,
R. H. Howard,	Joseph W. Rice.

P. R. Edwards.

Leroy H. Smith, Secretary; J. N. Reed, Marshal; John H. Bennett, Treasurer; Thomas W. Marshal, Harbor Master; Josh. C. Shaw, Charles Behling, J. W. Wood, Port Wardens; Peter Delbrel, Searcher of Vessels; John de Young, Surveyor; Edward Drew, Sexton; A. Allen, Weigher.

1856.

MAYOR.

JOHN HENRY BROWN.

ALDERMEN.

Leslie A. Thompson,	E. L. Ufford,
Julius Kauffman,	N. Lidstone,
John L. Darragh,	William Shields,
Charles L. Beisner,	J. W. Benedict, res.,
John P. Davie,	N. B. Yard, vac.

Leroy H. Smith, Secretary; John N. Reed, Marshal; David Wakelee, Treasurer; Thomas W. Marshal, Harbor Master; A. P. Lufkin, Frank Hitchcock, Lewis Parker, Port Wardens; Edward Drew, Sexton; Peter Delbrel, Searcher of Vessels; John O. Trueheart, Surveyor; Wm. M. Hudson, Weigher.

NOTE.—The office of Surveyor has been filled by John O. Trueheart, John de Young, S. P. Brown and others; that of Weigher, by Wm. M. Hudson, A. Allen, Ira Day, N. Parker, H. King, Geo. B. Innis, L. W. Dake, H. Julfs, at different periods. Some offices of have been irregular. Until 1852, the subordinate officers were elected by the Council. Resignations, not noted, have occurred, and the vacancies have been filled. Much confusion prevailed in 1840, in consequence of the new charter raising doubts; so, also, in 1853, but the elected officers all held their seats. About June, however, Mayor Sceligson resigned, and was succeeded by Willard Richardson for the remainder of the term. The Secretary has heretofore been termed "City Clerk;" under the new charter he was designated as "Secretary."

1857.

MAYOR.

JOHN HENRY BROWN.

ALDERMEN.

H. Julfs,	T. M. League,
L. A. Thompson,	C. L. Beisner,
J. S. Sydnor,	D. D. Atchinson,
James Mageen,	A. P. Lufkin,
M. Menard,	B. C. Franklin,
W. Shields,	N. Lidstone.

Charles E. Thompson, Secretary; John N. Reed, Marshal; William C. Griffith, Assessor and Collector; David Wakelee, Treasurer; Luke A. Falvel, Harbor Master; John de Young, Surveyor; Frank Hitchcock, Joseph McLelland, and Lewis Parker, Port Wardens; William M. Hudson, Weigher, Guager and Measurer; Peter Delbrel, Searcher of Vessels; Edward Drew, Sexton.

1858.

MAYOR.

THOMAS M. JOSEPH.

ALDERMEN.

James Mageen,	Peter J. Menard,
W. Shields,	D. D. Atchinson,
C. L. Beisner,	C. H. Leonard,
A. P. Lufkin,	P. C. Tucker,
N. Lidstone,	J. L. McKeen,
H. Journeay,	Julius Frederick.

John N. Reed, Marshal; H. Julfs, Assessor and Collector; D. Wakelee, Jr., Treasurer; John de Young, Surveyor; Luke A. Falvel, Harbor Master; Frank Hitchcock, J. F. McClellan and Lewis Parker, Port Wardens; B. Thereon, Weigher and Guager; Peter Delbrel, Searcher of Vessels; Edward Drew, Sexton; Charles E. Thompson, Secretary.

1859.

MAYOR.

THOMAS M. JOSEPH.

ALDERMEN.

H. Journey,	E. T. Austin,
Peter J. Menard,	John Muller,
D. D. Atchinson,	A. S. Ruthven,
C. H. Leonard,	G. W. Beisner,
P. C. Tucker,	William Thompson,
J. L. McKeen,	J. H. Hutchins.

John N. Reed, Marshal; Allen Cameron, Assessor and Collector; D. Wakelee, Jr., Treasurer; James Mageen, Harbor Master; John de Young, Surveyor; Peter Delbrel, Searcher of Vessels; Edward Drew, Sexton; Alex. Pitt, Inspector and Guager; Frank Hitchcock, Lewis Parker and Samuel Crowley, Port Wardens; Charles E. Thompson, Secretary.

1860.

MAYOR.

THOMAS M. JOSEPH.

ALDERMEN.

E. T. Austin,	J. C. Kuhn,
John Muller,	F. H. Merriman,
A. S. Ruthven,	C. H. Leonard,
G. W. Beisner,	T. A. Wilson,
William Thompson,	H. B. Andrews,
J. H. Hutchins,	M. Kimley,
B. Tiernan,	L. Behler,
Theodore Wagner,	W. Evans.

John H. Westerlage, Marshal; Allen Cameron, Assessor and Collector; Aaron Burns, Harbor Master; D. Wakelee, Jr., Treasurer; M. C. Lawton, Surveyor; B. Mageen, Searcher of Vessels; F. Peters, Sexton; J. J. Jenney, Weigher and Guager; Frank Hitchcock, Lewis Parker, Luke A. Falvel, Port Wardens; J. W. Moore, Secretary.

1861.

MAYOR.

THOMAS M. JOSEPH.

ALDERMEN.

B Tiernan,	Theodore Kleinecke,
Theodore Wagner,	F. H. Behrman,
J. C. Kuhn,	G. W. Beisner,
C. H. Leonard,	George C. Rains,
Medard Menard,	E. L. Ufford.
N. Lidstone,	I. Dyer,
H. B. Andrews,	L. Behler,
	M. Kimley.

John H. Westerlage, Marshal; Allen Cameron, Assessor and Collector; David Wakelee, Jr., Treasurer; Aaron Burns, Harbor Master; Charles Behling, William H. Prowse and Frank Hitchcock, Port Wardens; Tipton Walker, Surveyor; L. Antoine, Searcher of Vessels; M. Cahill, Sexton; V. Kœnig, Weigher and Guager; J. W. Moore, Secretary.

1862.

MAYOR.

THOMAS M. JOSEPH.

ALDERMEN.

Henry B. Andrews,	F. M. Kauder,
C. L. Behler,	George C. Kains,
A. Baldinger,	Cristopher Fox,
G. W. Beisner,	S. B. Hurlbut,
I. Dyer,	Theodore Kleinecke,
V. Favrow,	C. A. Kauffman,
G. W. Grover,	B. Tiernan,
—— Junker,	E. L. Ufford.

John H. Westerlage, Marshal; David Wakelee, Treasurer; R. H. Howard, Assessor and Collector; Aaron Burns, Harbor Master; Paul Helferich, Surveyor; J. J. Jenney, Weigher and Guager; F Gillett, Searcher of Vessels; M. Cahill, Sexton; Frank Hitchcock, Lewis Parker, W. H. Prowse, Port Wardens; J. W. Moore, Secretary.

1864.

MAYOR.

C. H. LEONARD.

ALDERMEN.

Oscar Farish,	N. Lidstone,
H. C. L. Aschoff,	F. N. Kauder,
B. Tiernan,	H. Reybaud,
J. Cronican,	C. L. Behler,
C. Jordan,	J. Shackleford,
E. H. Sieling,	J. P. Nash.

James P. Cole, Recorder; David Wakelee, Treasurer; Sidney Scudder, Assessor and Collector; J. W. Moore, Secretary; John H. Westerlage, Marshal; Nathan Smith, Superintendent of Streets; M. Cahill, Sexton.

1865.

MAYOR.

CHARLES H. LEONARD.

ALDERMEN.

E. Niebour,	J. Cronican,
B. Tiernan,	C. Jordan,
E. H. Sieling,	J. Shackleford,
I. F. W. Ahrens,	F. N. Kauder,
James P. Nash,	John Bullacher.

Sidney Scudder, Assessor and Collector; David Wakelee, Treasurer; John H. Westerlage, Marshal; J. S. Beers, Clerk; M. Cahill, Sexton; William H. Prowse, Searcher of Vessels; Andrew Verberne, Bell Ringer.

1866.

MAYOR.

CHARLES H. LEONARD.

ALDERMEN.

I. F. W. Ahrens,	J. Cronican,
John Bullacher,	Oscar Earish,
C. Jordan,	John Shoenholtz.
E. Niebour,	R D. Johnson,
H. Reybaud,	E. L. Ufford,
B. Tiernan,	P. H. Carville.

John H. Westerlage, Marshal; Sidney Scudder, Assessor and Collector; David Wakelee, Treasurer; Aaron Burns, Harbor Master; James G. Sewell, Secretary; W. Prowse, Lewis Parker, J. Foster, Port Wardens; M. Cahill, Sexton; Dr. Dowell, Hospital Physician; H. Stuart, City Printer; J. S. Jones, Recorder; R. H. Howard, City Attorney.

1867.

MAYOR.

J. C. HAVILAND.

ALDERMEN.

John Bullacher,	R. D. Johnson,
Oscar Farish,	E. L. Ufford,
C. Jordan,	P. Koehler,
H. Reybaud,	N. B. Yard,
B. Tiernan,	P. H. Hennessey,
	P. H. Carville.

Sidney Scudder, Assessor and Collector; James G. Sewell, City Clerk; John H. Westerlage, Marshal; M. Hussy, Street Commissioner; Aaron Burns, Harbor Master; M. F. Mott, City Attorney; M. Cahill, Sexton; H. Munn, W. Prowse, D. McClusky, Port Wardens; Tipton Walker, City Surveyor; John McDonald, Lumber Inspector; Charles A. Buchner, Guager and Weigher; H. Stuart, City Printer.

NOTE.—Mayor J. C. Haviland, was removed from office by order of Major General Griffin, June 17th, 1867, and I. G. Williams, appointed to fill the vacancy.

March, 1868.

MAYOR.

I. G. WILLIAMS.

ALDERMEN.

N. B. Yard,	P. H. Hennessey,
Oscar Farish,	John Bullacher,
P. H. Moser,	P. H. Carville,

H. Reybaud, C. Jordan,
B. Tiernan, P. Koehler.
E. L. Ufford.
James G. Sewell, Secretary.

NOTE.—The election of officers for 1868, was prohibited by Military Orders, and vacancies caused by removal or otherwise were filled by Military appointment.

May 11th, 1869.

MAYOR.

JAMES A. McKEE.

ALDERMEN.

F. C. Mosebach, J. W. Allen,
A. Somerville, Selim Rinker,
Isaac Moses, Julius Frederich,
Edward T. Austin, Theodore Wagner,
B. Rush Plumley.

R. Y. Bolling, City Clerk; J. E. Cowan, Assessor and Collector; Thomas Cromer, Marshal; G. W. Grover, Treasurer; R. T. Bilderbeck, Weigher and Guager; John H. Gallagher, Harbor Master; John G. Falon, Surveyor of Lumber and Shingles.

March 7th, 1870.

MAYOR.

JAMES A. McKEE.

ALDERMEN.

Edward T. Austin, J. C. Ogle,
Jesse Stancel, Sanford Mason,
Julius Frederich, B. Rush Plumley,
F. C. Moseback, D. M. Baker,
Selim Rinker, Theodore Wagner,
N. Patten, Isaac Moses.

R. Y. Bolling, City Clerk.

March 6th, 1871.

MAYOR.

JAMES A. McKEE.

ALDERMEN.

Julius Frederich, D. M. Baker,
F. C. Moseback, J. R. T. Haynes,
W. E. Parker, B. Ballinger,
J. C. Ogle, Hamilton Stuart,
Johnson Reed, Jesse Stancel,
Sanford Mason, N. Patten.

T. H. L. Payne, City Clerk.

June 5th, 1871.

MAYOR.

ALBERT SOMERVILLE.

ALDERMEN.

James M. Brown,	Henry Rosenberg,
Thomas Baker,	Hamilton Stuart,
R. Colwell,	John Sealy,
Julius Frederich,	J. P. Cole,
M. Kopperl,	Nathan Patten,
Wm. E. Parker,	Johnson Reed,

C. C. Allen, City Clerk.

1872.

MAYOR.

ALBERT SOMERVILLE.

ALDERMEN.

Thomas Baker,	M. Kopperl,
J. M. Brown,	M. V. McMahan,
J P. Cole,	N. Patten,
Robert Colwell,	Johnson Reed,
Julius Frederich,	John Sealy,

Hamilton Stuart.

J. C. Ogle, Superintendent of Streets; C. C. Allen, City Clerk; Jno. S. Rhea, Recorder; Luke A. Falvel, Harbor Master; A. Hoxie, City Engineer; C. B. Sabin, Attorney; D. Wakelee, Treasurer; Charles H. Leonard. Collector; J. P. Harrison, Assessor; Dr. Geo. W. Peete, Health Physician; Dr. C. Campbell, Hospital Physician; U. G. Baker, Immigration Agent; J. Hannay and R. G. Crozier, Health Inspectors; A. W. Kempton, Chief of Police; E. McCormick, Deputy Chief of Police; John H. Westerlage, Chief Engineer Fire Department.

Revised Ordinances

OF THE

CITY OF GALVESTON.

CHAPTER I.

ALDERMEN.

ARTICLE 1. [I.] Any Alderman taking his residence in other than the Ward in which he was elected, shall thereby vacate his seat as such Alderman, and the Board of Aldermen shall immediately thereafter, or at its next regular meeting, order an election to fill such vacancy. Approved April 5, 1865. Art. XVIII, Title X of the Charter.

ART. 2. [I.] There shall be appointed by the Mayor, a committee, to be known and designated as Committee on Elections and Qualifications, and shall be composed of one Alderman from each Ward of said city. Approved April 5, 1865.

ART. 3. [II.] It shall be the duty of said committee, strictly and impartially to examine the qualifications of each and every person who may be elected Alderman to represent either of said Wards in the City Council, and also to examine into the qualifications of any person who may be elected Mayor of said city.

ART. 4. [III.] No person who may be elected Alderman as aforesaid, shall be entitled to a seat in said Council, unless his qualifications accord with the requirements of Art. IX, Title II, of the Charter of the City of Galveston, nor shall any person elected Mayor or Recorder, be entitled to his seat unless possessed of the like qualifications.

CHAPTER II.

ANIMALS.

Passed July 4, 1870.

ARTICLE 5. [I.] From and after the passage of this Ordinance, it shall not be lawful for horses, mules, cattle, hogs, goats, dogs, or other animals to run at large within the city of Galveston.

See Sec. 32 Art. 3 Title IV of the Charter.

ART. 6. [II.] The Chief of Police shall kill, or cause to be killed, all dogs found running at large in the Streets, Markets, and public grounds of the city of Galveston.

ART. 7. [III.] It shall be the duty of the Chief of Police to provide public pounds or sheds, conveniently situated in the city, and to gather up, or cause to be gathered up, all horses, mules, cattle, goats, hogs, sheep, or other animals running at large in the city limits, after the passage of this Ordinance, and shall impound them in one of the public pounds for at least three days, and shall sell the same at public auction for cash, at such time and place as he may designate, giving two full days of public notice of said sale, by notices posted at the Market-house and two other public places in the city; Provided, however, that the owner or owners of said animals so impounded, may redeem the said animals at any time before the sale, by paying all the expenses incurred in catching, impounding and keeping said animals, and in addition thereto, pay for any such goat or sheep, four dollars, and every such hog, eight dollars, and every such horse, mule, or cattle, ten dollars.

ART. 8. [IV.] All the money received by virtue of the provisions of this Ordinance, shall be appropriated: First, to the payment of all expenses incurred in catching, impounding, keeping, and selling said animals; Second, to pay any and all extra expenses incurred in carrying into effect section two (2) of this Ordinance; Third, If there be any balance remaining after paying said expenses, the same shall be turned over to the City Treasurer as————fund.

ART. 9. [V.] The owner or owners of horses, cattle, or mules, sold under the provisions of this Ordinance, may redeem the same at any time within two days from the date of said sale, by paying the purchaser thereof double the amount of the purchase money, and all reasonable expenses that the purchasers may have incurred in keeping the same.

ART. 10. [VI.] If at the time of the sale no purchaser shall be found for any of the animals impounded, under the provisions of this Ordinance, then the Chief of Police shall kill, or cause to be killed, all such animals, and deposit their carcasses in the places designated for such matter.

ART. 11. [VII.] The provisions of this Ordinance shall

not apply to such dogs as habitually accompany their masters, as a house companion or pet; Provided, the owner or owners of such dog or dogs, shall pay a license tax of $5, and obtain a license for each and every such dog; Provided further, that such dogs shall always bear a collar about their necks, containing the number of their license, and the name of their owner, in legible and distinct characters.

ART. 12. [VIII.] Persons obtaining licenses for dogs, under the provisions of this Ordinance, shall be credited for any balance due them for the unexpired time on any dog license heretofore obtained by virtue of any previous existing Ordinance.

ART. 13. [IX.] Provided that this Ordinance shall be restricted in its application to cattle and horses, to the following limits, viz: Eighth Street East, Thirty-third Street West, the Bay on the North, and Avenue M on the South, with the same provisions as found in the Ordinance of July 19th, 1869; Provided, further, that this Ordinance shall not apply to milch cows that are kept solely and exclusively for family use.

Amendment of August 8th 1870.

ART. 14. [I.] Owners of horses and milch cows, shall be allowed to drive such animals in the morning before eight o'clock, and in the evening after five o'clock, through the streets, and in charge of competent persons, and they shall be responsible for any damage which may be done by such animals. They may also keep said animals in an enclosure during the night time.

Passed July 19, 1869.

ART. 15. [I.] All persons are prohibited from keeping, raising, feeding, or allowing to run at large any swine or goat, within any house, pen, lot, yard, or other ground, within the following limits of this city, viz: From 12th to 25th streets, from the Bay to the Gulf, and from 25th to 36th street, from the Bay to Avenue M; Provided, goats are allowed to be kept within the enclosures of the owners, but in a cleanly and inoffensive way to the neighbors and citizens, but goats are not allowed to run at large.

Approved June 27, 1871, and amended August 10th 1871.

Prohibiting Swine in certain limits.

ART. 16. [II.] Every person being the owner of such swine or goats, or owner or occupant of the premises, violating this Ordinance, shall be fined not less than ten dollars, for each and every such offense, and for every day so offending.

Approved June 27, 1871.

Punishment.

ART. 17. [I.] Any person who shall unmercifully beat, or ill-treat, any dray-horse or mule, or other animal used as a draught animal, in the City of Galveston, shall be deemed guilty of abuse of animals, and on conviction thereof, shall be punished by a fine of not less than ten (10) dollars, nor more than one hundred dollars, or by imprisonment not

Approved Oct. 10, 1871.

Abuse of prohibited.

See Sec. 30, Art. 3, Title IV of Charter

exceeding three months, at the discretion of the Court or Jury; and if the punishment imposed under this Ordinance be a fine, the convict shall be required, in case said fine be not paid, to work out the same on the streets of the city, under the supervision of the Superintendent of Streets, for such number of days as will pay said fine at two dollars per day.

See Sec. 52 Art. III of Title IV of the Charter.

ART. 18. [I.] The driving of beeves or other cattle in droves within the city limits, or through the streets of the city, is hereby prohibited; Provided, that calves and yearlings intended for shipment may be driven in day time into said city, and on Broadway down to 19th street, and thence on 19th street to the Brick Wharf for shipment, and beeves and other cattle may be driven in droves on to Strand street, west of Thirty-second street, and thence down Strand street to the Brick Wharf for shipment, at any time after eleven o'clock P. M., and before one hour before daylight; Provided, that said droves of calves, yearlings and beeves, shall be driven with as little noise and disturbance as possible, and they shall be well guarded by a sufficient number of men, and the owners thereof shall be responsible for all damage that may be done by said droves or the drivers thereof, while said droves are being driven through said streets. Provided, further, that this section shall not apply to milch cows.

ART. 19 [II.] Any person or persons who shall drive or cause to be driven any beeves, calves, yearlings, or other cattle, contrary to the provisions of the first section of this Ordinance, shall, upon conviction thereof, be fined not less than ten dollars, nor more than one hundred dollars, for each and every offense.

CHAPTER III.

DUTIES OF THE ASSESSOR AND OF THE COLLECTOR OF TAXES.

ARTICLE 20. [I.] There shall be levied an annual Tax upon all real estate, and improvements thereon, in the City of Galveston; upon all personal property held or owned in the City of Galveston. The Board of Aldermen shall, on or before the first day of April, in each and every year, fix and determine the rate per centum of general and special Taxes that shall be levied and collected in each year, and the same shall be levied and collected as is hereinafter provided. Approved April 30, 1866. See Title V of the Charter.

ART. 21. [II.] From and after the passage of this Ordinance, the Assessor, and the Collector, of said city, shall, before entering upon the duties of their respective offices, and within twenty days after their respective appointments to said offices, take and subscribe to an oath, before the Mayor or other competent officer, to faithfully perform, execute, and discharge all the duties incumbent on them respectively as such Assessor and Collector, as the same now are, or may hereafter be prescribed by law. And said Collector, shall also enter into bond in the sum of twenty-five thousand ($25,000) dollars, with not less than two good securities, payable to the Mayor, Aldermen and inhabitants of the City of Galveston; to be approved by the Board of Aldermen, conditioned, to be void upon the faithful discharge of the duties of his office, which then are, or may hereafter be required of him by any Ordinance or Resolution of the Council. See Title VI of the Charter. See Art. I, Title III, of the Charter. See Art. XII Title III, of the Charter.

ART. 22. [III.] After the amount of general and special Taxes, to be levied for the then current year, shall have been fixed by the Board of Aldermen, and the Assessor shall have given ten days, notice in the newspaper employed to do the City Printing, published in said city, every person, partnership and corporation, owning property within the limits of said city, shall, within two months after said published notice, return to said Assessor, a list under oath, of all real and personal property within the limits of said city, held by such person in his own right or in the right of his wife, or, as trustee, parent, guardian, executor, administrator, agent, attorney, or other representative character, on the first day of March of the then current year, upon which return, so made, the Assessor shall proceed to assess the value thereof, valuing each lot or tract of land separately. and each species of personal property separately, and shall enter the same upon the Assessment Roll. The Assessment Roll shall contain, in separate columns, the names of the persons Taxed in alphabetical order, the amount and discription of the property Taxed, both real and personal, the See Art. III Title VI, of the Charter.

assessed value thereof, and the amount of Taxes due thereon, specifying and distinguishing the Bridge Tax, and all other special Taxes and charges from that of the General Fund Tax, and extending the aggregate in a total sum in a separate column. From the time of the published notice aforesaid, until the expiration of the two months thereafter, the said Assessment Roll shall be open for the examination of all persons interested, and if any person desires to complain of any improper Taxation, or any over-charge, or over-valuation, he shall file his complaint with the Board of Appraisement, specifying in what particular he considers himself aggrieved. And said Board shall thereupon hear and determine the complaint, and if any correction be necessary, order and direct the Assessor to make the same. It shall be the duty of the Assessor, after the expiration of the two months immediately succeeding the publication of notice required by this section of this Ordinance, to diligently seek out and make a list of all property liable to Taxation within the city limits, which has not been returned by the owner or other representative; and it shall be his duty to list and enter the same on a Supplemental Assessment Roll, in the name of the owner, if known, and if not known, then as "owner unknown," and he shall present said list to the Board of Appraisement for valuation. And when the valuation is made, he shall assess the amount of Taxes due thereon, as in other cases. If any Taxable property shall, or may have been omitted in the assessment of any year, from and after the passage of this Ordinance, the same when discovered, shall be presented by the Assessor to the Board of Appraisment for valuation. And when valued, the Assessor shall enter the same on the Supplementa Assessment Roll, and shall assess the arrearages of Taxes which might have been assessed thereon, with twelve per cent. interest from the time said Tax became due and payable. Said supplemental roll shall be completed within two months after the expiration of the two months allowed for voluntary rendition of property by this section of this Ordinance.

Art. IV, Title VI, of the Charter.

ART. 23. [IV.] The Assessment Rolls being completed, it shall be the duty of the Assessor to make out two full and complete copies thereof, before the first day of September of each year; one copy of which he shall deliver to the City Clerk, and one copy he shall deliver to the City Collector, and if the Assessor shall fail or refuse to complete his assessments, as provided in Section 3, or shall fail to deposit a copy each, with the City Clerk and the City Collector, as required, he shall forfeit and pay a fine not exceeding one hundred dollars, to be deducted from his commissions. And

See Art. XII Title III, of the Charter.

See Art. XV Title X, of the Charter.

if he shall make out, or return an unfair or false Assessment Roll, he shall forfeit all claim to commissions or other compensation, and shall be subject to be removed from office.

ART. 24. [VI.] Any person or persons refusing or failing to render the Assessor a full and complete list of all Taxable property, either owned by them, or controlled by them in any representative character whatsoever, shall be liable to a fine of not less than five, nor more than one hundred dollars and costs; and it is hereby made the duty of the Assessor to promptly enter complaint against any and all such persons, before the Mayor, Recorder, or other officer of competent jurisdiction, and to attend as a witness to prove such failure or refusal. See Art. III Title VI, of the Charter.

ART. 25. [VIII.] Immediately upon receipt of the Assessment roll, the Collector shall proceed to give notice and demand payment of the Taxes due, in conformity with Article VIII of Title VI of the Charter, and shall publish for ten days, in a newspaper published in said city, notice to all persons owing Taxes to pay their Taxes at the Collector's office within ten days after said notice; and all Taxes referred to in this Ordinance shall be due and payable within ten days after service of the notice and demand required by Article VIII of Title VI of the Charter, and where special notice and demand is not required by said article, within ten days after said published notice.

ART. 26. [IX.] Where the Taxes are not paid within the time specified, the Collector shall levy upon and take into his possession so much of the personal property belonging to the person owing said Tax, liable to taxation, as will be sufficient to pay his, her or their Taxes and costs, and shall give ten days notice of the time and place of sale, by publication in a newspaper published in said city, and in the manner provided in Article IX of Title VI of the City Charter, and shall make sale of said property, or so much thereof as may be neccessary to pay said Taxes and costs, as required by said article. Said sales shall be made on or before the first day of January of each year. The property owner may prevent said sale by payment of the Taxes and all costs resulting from the levy and advertisement prior to the day of sale.

ART. 27. [X.] If payment be not made by the person or persons purchasing property at said sale within twenty-four hours after said sale, the bidder shall be considered as having forfeited his bid, and the Collector shall re-sell said property, after having given the same notice as in the first sale; and when any person shall forfeit his bid, the Col-

lector shall enter complaint against him before the Recorder, and such person, on conviction, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

ART. 28. [XI.] When the purchaser at said sale shall have paid the amount bid by him, the Collector shall deliver the property so sold to him, and shall execute and deliver to said purchaser a certificate of purchase, and shall appropriate the proceeds of said property to payment of the Taxes for which the same was sold, and all costs incurred in making said sale; and if there be a residue after payment of said Taxes and costs, the same shall be paid over to the person whose property was sold.

ART. 29. [XII.] The Collector shall, before the first day of February of each year, prepare and deliver to the City Clerk a roll of the unpaid Taxes due the city, and when no personal property could be found by him subject to levy and sale, the fact shall be so reported; and the City Council shall, at the next meeting thereafter, direct the institution of suits for collection of said Taxes, by sale of the real estate on which the Taxes are due, as provided in Article XIV of Title VI of the City Charter.

ART. 30. [XV.] The following real and personal estate shall be exempt from taxation:

Real and personal property of the United States.

State and County lands, and buildings set apart for State and County purposes.

All Real estate exempt by the laws of the State.

Public burial grounds and lots.

Buildings erected for the use of religious, benevolent, charitable or scientific institutions, and the land whereon situated, not exeeding the lots or blocks of ground occupied for such purpose.

ART. 31. [XVI.] In addition to the reports required by Section one, Article XII, of Title 3rd of the Charter, the Collector shall, at the close of each municipal year, make a final report of all monies collected by him, during the municipal year specifying therein, the amount collected from each class of taxable property.

CHAPTER IV.

BAR-ROOMS.

ARTICLE 32. [I.] It shall not be lawful for any owner, proprietor or agent of any establishment within the city of Galveston, by whatsoever name the same may be called or known, wherein vinous, spirituous, malt, or other intoxicating liquors are kept for sale by quantities less than one quart, to keep such establishment open to a later hour than twelve o'clock at night, nor to open the same at an earlier hour than four o'clock in the morning; nor shall it be lawful to sell or otherwise dispose of any vinous, spirituous, malt, or other intoxicating liquors, in any such establishment, to any person or persons, under any pretext whatever, between the hours above specified, during which said establishment shall be kept closed. And any person or persons found violating any or either of the provisions of this Ordinance shall be fined in a sum of not less than ten dollars, nor more than one hundred dollars, for each contravention thereof, and shall also be liable to a further penalty of not exceeding fifteen days' imprisonment,—said fine to be recovered before the Mayor or Recorder of said city.

Approved April 10, 1866

See Sec. 15 Art. III of Title IV.

CHAPTER V.

BATHING LIMITS.

ARTICLE 33. [I.] It shall not be lawful for any person to divest himself or herself of his or her clothing, or expose his or her naked person on any of the wharves or docks, at any time between the hours of sunrise in the morning and sunset in the evening, for the purpose, or on the pretence of bathing; and any person offending against the provisions of this section shall be subject to a fine of not exceeding twenty dollars for each and every offense.

Approved Jan. 8, 1857.

See Sec. 40, Art. 3, Title IV of Charter

ART. 34. [I.] It shall not be lawful for any person, male or female, to bathe in the waters of the Gulf in the edge of the beach, in a nude state, between Eighteenth street on the east, and Twenty-eighth street on the west, during daylight, or between 4 o'clock A. M. and 10 o'clock P. M.

Approved May 31, 1869. as Amendment June 21, 1869 and June 20, 1870.

ART. 35. [II.] Any person violating the provisions of this ordinance shall, on conviction thereof before the Recorder, be fined in the sum not exceeding ten dollars, and pay the cost of his arrest.

CHAPTER VI.

BONDS AND DEBTS OF THE CITY.

Passed May 24, 1869.

ARTICLE 36. [I.] The Mayor of the City of Galveston be, and is hereby authorized to have engraved Coupon Bonds of the City of Galveston, with semi annual coupons attached, falling due on the 1st of July and the 1st of January of each year from date, at the rate of ten per cent. per annum.

See Art. XI Title X, of the Charter.

ART. 37. [II.] The said Bonds shall be drawn to mature, in five, six, seven, eight, nine and ten years from date; not over $30,000 in one year, and shall be payable to the bearer, at the office of the Treasurer of the City of Galveston, and in sums of one hundred dollars, or any multiple thereof, not to exceed one thousand dollars each.

ART. 38. [III.] The amount of Bonds authorized by this Ordinance is one hundred and seventy-five thousand dollars.

ART. 39. [IV.] The Mayor shall advertise said Bonds to be sold in open market, at such public place on the Strand, as he may designate in his advertisement in the papers of the City of Galveston, and in some paper having a large circulation in the City of New Orleans, New York and Boston, for the period of thirty days; Bonds to bear interest from date of sale, and deliverable thirty days thereafter.

ART. 40. [V.] Any holder of the script issued by the City of Galveston, (recognized as genuine by the City Clerk,) or any General Fund Bond of the City of Galveston, now outstanding, (except bonds issued in aid of the rebellion,) or of any genuine note, or promise to pay of said city, or certificate of indebtedness heretofore issued, or any approved claim against said city for the expenses of April, May, and June 1869, may purchase said Bonds with his evidence of debt at par, and may at any time during the current year, by filing with the Mayor evidence of debt past due, receive from the Mayor Bonds to the amount deposited, dollar for dollar, principal and interest, in sums of one hundred dollars, or any multiple thereof. And the Mayor is hereby authorized to issue Bonds to applicants in accordance with the provisions of this Section. And when the original contract bore interest, at a greater rate than eight per cent., the rate of interest specified in the contract shall be allowed on the coupons thereof, past due.

As amended August 9, 1869.

ART. 41. [VI.] In order to provide for the punctual payment of the semi-annual interest of the Bonds provided for in this Ordinance, and to secure compliance with this contract, that there shall be annually appropriated, and there is hereby appropriated, sixteen per cent. of the collection of Taxes from all sources of revenue pertaining to the

General Fund, which per centage, shall, by the Treasurer of the City of Galveston, be deducted from all payments made to him by any of the collecting officers of the city, and by him placed to the credit of the Interest Fund. And it is hereby declared that the said fund shall be, and is, a special deposit, not subject to draft nor to appropriation to any other purpose than the payment of the semi-annual interest on the Bonds, herein provided for, and shall be disburseable only in paymont of the matured coupons of these Bonds when presented, or if a surplus should accumulate, to the redemption or purchase of these Bonds ; Provided, that no appropriation to redeem Bonds, shall be made, unless at least one year's interest is provided in advance.

ART. 42. [VII.] The Treasurer of the City of Galveston shall keep a separate account of all monies received, and all coupons paid, and shall cancel all coupons paid in the presence of the Mayor of the city, and shall file in the office of the City Clerk a list of such coupons, with dates, amounts, and numbers clearly shown, twice in each year.

ART. 43. [VIII.] The faith of the City of Galveston, and her resources, and income on general accounts, is hereby pledged to holders of Bonds authorized by this Ordinance, for the punctual payment of the interest and principal when due, in par funds ;—lawful money of the United States.

ART. 44. [IX.] When any matured coupons of the Bonds is presented at the Treasurer's Office, he shall pay the same withot delay, from any General Funds in his hands, not appropriated, should the Interest Fund be exhausted.

ART. 45. [X.] The Bonds when issued under the Ordinance providing for the consolidation of the city debt, be signed by the Mayor and counter-signed by the City Treasurer, and attested by the Seal of the City of Galveston.

ART. 46. [I.] Be it ordained by the Mayor and Aldermen of the City of Galveston, in Council convened, That the Mayor cause to be executed certificates of indebetness of the city in denominations of not less than one hundred dollars, and bearing interest at the rate of ten per cent. per annum, from date of issue. Said certificates to have the Mayor's signature, and to be counter-signed by the Secretary and Treasurer, under the direction and supervision of the Finance Committee, and to be due and payable in two or three years, as may be provided. Approved May 12, 1868.

ART. 47. [II.] Said certificates may be given for all outstanding orders on the City Treasurer, at the option of the holder, when the same shall be presented, in sums of one hundred dollars or more, in two or three years ; and said orders when thus retired, shall be cancelled and destroyed.

Said certificates shall be given in denominations of not less than one hundred dollars, as hereinbefore provided, to suit the holders of the outstanding Treasury Drafts, as far as practicable.

Approved Dec. 19, 1871.

ART. 48. [I.] That the Mayor be, and is hereby authorized to have printed, or engraved, bonds of the City of Galveston, with coupons attached, which shall be styled "Special Debt Bonds of the City of Galveston."

ART. 49. [II.] That the total amount of bonds issued by and under the authority of this Ordinance shall not exceed the sum of one hundred thousand dollars, and the bonds so issued shall bear date January 1st, 1872, shall be due and payable as follows, viz: $33,000 eight years after date, $33,000 nine years after date, and $34,000 ten years after date; and the same shall have interest bearing coupons attached, and the said bonds shall draw interest at the rate of ten per cent. per annum, which interest shall be due and payable by the City Treasurer, at his office, on the first days of July and January, of each year, and the principal shall likewise be payable at the office of the City Treasurer on maturity.

ART. 50. [III.] That the foregoing authorized bonds shall be payable to ——— or bearer, and the same shall be signed by the Mayor, counter-signed by the City Treasurer, and recorded in the office of the City Clerk, in a book to be kept for that purpose, and there shall be affixed to said bonds the corporate seal of the City of Galveston.

ART. 51. [IV.] Be it further ordained, That said bonds may be issued in sums of $100 each, or any multiple thereof, not exceeding $5000 in any one bond.

ART. 52. [V.] That in order to provide for the annually accruing interest on the bonds hereinbefore provided for, and also to create a sinking fund to redeem and pay said bonds at or before maturity, there is hereby appropriated four per cent. annually of all revenues pertaining to the General Fund of the City of Galveston, and the Treasurer is hereby ordered to credit the same to an account to be styled the "Special Debt Bonds of the City of Galveston," and he shall so credit the percentage herein before matured on all payments, as made to him by the collecting officers of the city for the next eight municipal years succeeding the first day of January A. D. 1871; Provided, that when the four per cent. so accredited has amounted to the sum of $13,500, no further percentage shall be accredited to the special fund for the then municipal year; and further Provided, that for the municipal years of 1880 and 1881, there is hereby appropriated fifteen per cent. of the annual revenues of the City pertaining to the General Fund, to be cred-

ited by the Treasurer to the special fund herein created and as herein before provided. until the percentage so set apart, together with any other sums that may remain in his hands belonging to the same fund, has amounted to the sum of $40,000, when the Treasurer shall cease to transfer any further amount to this special fund for the then municipal year.

ART. 53. [VI.] That when there remain in the hands of the Treasurer, of the fund created by the foregoing section, an amount not less than $2500, and in excess of the next semi-annual payment of interest, it shall then be the duty of the Mayor to advertise proposals to redeem the bonds authorized by this Ordinance to the extent of the same so available; and should the bonds not be offered on terms satisfactory for redemption, it shall then be the duty of the Mayor, when the amount has accumulated to the sum of not less than $5000 over and above sufficient to pay the next accruing semi-annual interest, to invest the same in United States bonds. which bonds shall be deposited with the Treasurer, and the same shall not be used or applied, except to pay the interest and principal of the debt created by this Ordinance.

ART. 54. [VII.] That any application of the fund created by the 5th Section of this Ordinance, other than that provided for in the 6th Section hereof, by the Mayor and Board of Aldermen, or the Treasurer, shall make them individually liable to all the penalties contained in Section 4, Article 3, Title 4, of the City Charter.

ART. 55. (VIII.] That the Mayor and Board of Aldermen shall, by resolution, provide for the negotiation, sale, or placing of said bonds herein authorized.

CHAPTER VII.

BRIDGE AND BRIDGE BONDS.

ARTICLE 56. [I.] The Mayor be authorized, and he is hereby required, to enter into contract and agreement, in the name and on the part and behalf of the Mayor, Aldermen, and inhabitants of the City of Galveston, with the Galveston, Houston and Henderson Railroad Company, concerning the construction of a Bridge from the present terminus of the Railway of said Company, at Virginia Point, on the main land, to some convenient and proper point on the Island of Galveston, to be designated and located under the direction of said Company, in which said contract and agreement, the Mayor is authorized and empowered to en-

Approved Aug. 26, 1857.

gage, undertake and stipulate, that the corporation of the city will construct and build said Bridge, or cause the same to be done, according to, and in conformity with such plan as the Engineer of the said Company, or other officer or agent designated or appointed by it, shall advise, devise, present, or approve of; and that the work of construction of said Bridge shall progress, be carried on and performed under the supervision and inspection of said Engineer, or other officer or agent of said Company, designated by it for the performance of said duty ; Provided, however, that the cost of construction of the work aforesaid, paid by the City of Galveston, shall not exceed the aforesaid sum of one hundred thousand dollars. And that it shall be required of the said Galveston, Houston and Henderson Railroad Company, by proper covenant, stipulations, and agreement, to be inserted in the said contract, that in consideration of the covenant, stipulations and undertakings of the corporation of the city, and the use, occupation, and possession of the said Bridge, when constructed and built, that the said Railroad Company shall, and will put the iron rails, and other necessary fixtures, &c., upon the said Bridge, so as to fit it for use, at its own proper cost and charge; that the said Railroad Company shall pay, satisfy, discharge and keep down the interest on the Bonds of the city, issued for the construction of the work, as the same shall fall or accrue due ; or shall by other means save, keep harmless, and indemnify the corporation of the city, of or from any claim or demand therefor ; that the said Railroad Company, shall, at all times, keep and preserve the structure of said Bridge in good and perfect repair, and finally will acquire the right and property in the said Bridge, by paying and discharging, or otherwise returning or cancelling the Bonds issued by the corporation of the city for the construction thereof, at or before the maturity of the same ; and shall also build with all reasonable dispatch, the line of the road from the end or termination of the Bridge on the Island to the City of Galveston. And the said contract, or agreement, shall also contain covenant by the corporation of the city and the said Railroad Company: That the said Railroad Company, shall have the free, undisturbed use, occupation and possession of the said Bridge, so long as it shall well and truly keep and perform the engagements, covenants, and stipulations specified and contained in said contract, to be kept and performed by it; but that on failure thereof, the corporation of the City of Galveston, by its officers or agents, shall have the right, and may re-enter upon the said Bridge and dispossess the said Railroad Company thereof, anything in the said contract to the contrary notwithstanding.

ART. 57. [II.] It is hereby made the duty of the Mayor, upon consultation with the Engineer, or other proper officer, or agent of the said Railroad Company, by a notice or advertisement, to be published in such newspapers as he may deem necessary or proper, to invite proposals for the construction of said Bridge, according to the plans presented and approved. And he shall in said publication, give notice that the City Council reserves, and will exercise the right of awarding the contract for the construction of said Bridge to the proposal or bid which may be considered the most eligible, although it may not be the lowest in price, or to reject all, if the same shall be deemed unsatisfactory. And he shall require persons proposing and bidding for the said work, to state within what time they will complete the same; how, and when the payments therefor will be required; and what amount, or portion of the price, if any, may be paid and discharged in the Bonds of the city, authorized in this Ordinance to be issued.

ART. 58. [III.] When the time limited and appointed by the Mayor in his notice for the reception of proposals shall have expired, the proposals and bids for the construction of said work, which may have been received by him, shall be reported and presented by him to the Council, who will thereupon examine the same, and award the contract to the most eligible bid, or rejecting the whole; if none be deemed satisfactory, shall order and direct advertisements for proposals anew.

ART. 59. [IV.] If it should so happen that no proposal or bid should be made for the construction of said work within the said sum of one hundred thousand dollars, or the most eligible proposal or bid should exceed that sum, or such changes, additions and improvements should be made to the plan, as at present agreed upon and settled, as would increase the cost of construction beyond the sum, and the said Galveston, Houston and Henderson Railroad Company should desire the said proposals to be accepted or said changes or additions made, the same may be done upon the said Galveston, Houston and Henderson Railroad Company entering into an agreement or contract with the contractor or contractors to pay such excess of price over and above the said sum of one hundred thousand dollars, and upon the agreement of said contractor or contractors to accept and receive the undertaking and liability of said Railroad Company therefor, and not to make any claim or demand upon the City of Galveston for or on account of such excess.

ART. 60. [V.] It shall be the duty of the Mayor whenever, after a contract shall be entered into for the construc-

tion of the aforesaid work, it shall be in his opinion or that of the City Council, requisite and necessary so to do, to issue the bonds of the Corporation of the City to the extent of one hundred thousand dollars, or so much thereof as may be necessary for the construction of said Bridge, and cause the same to be negotiated in such manner and by such means as he may deem most conducive to the interest of the City. The said bonds to be in sums or not less than one hundred, or more than one thousand dollars, to be payable in not less than twelve nor more than twenty years from the date thereof, and to bear interest at and after the rate of not more than ten per cent. per annum, which interest shall be payable semi-annually, on presentation and surrender of the coupons to be thereto attached.

Passed May 21, 1860.

ART. 61. (I.) There shall be levied and collected for the municipal year of 1860, and annually thereafter, a tax of one-fourth of one per centum on the assessed values of all real and personal property in the City of Galveston, to be applied and appropriated to the liquidation of the principal and interest of the City Bonds issued for the construction of the Railroad Bridge across the Bay of Galveston, on the line of the Galveston, Houston and Henderson Railroad; said Tax to be assessed and collected in the same manner as the other taxes of the City.

Passed May 31, 1869.

ART. 62. (I.) The money collected under the special Act of the Legislature of the State of Texas, approved January 20th, 1860, entitled "An Act to empower the Mayor, Aldermen, and Inhabitants of the City of Galveston to issue Bonds for the construction of a Bridge from the Island of Galveston to the main land, in aid of the Galveston Houston and Henderson Railroad, and to validate the Bonds by them issued, or to be issued for such purpose, and to impose a Special Tax to pay interest on said Bonds, and to provide a fund to meet said Bonds when due, &c., are a special deposit in the hands of the authorities of the City of Galveston for the purpose for which they are collected, and can be disbursed lawfully only for the payment of interest and for the redemption of the Bonds negotiated under and by authority of said Act." When any matured coupons of the Bonds, known as the Bridge Bonds, shall be presented at the office of the Treasurer of the City of Galveston, he shall pay the same, if there be any money of Bridge Funds, proceeds of the said Special Tax; Provided, nothing in this Ordinance be so construed as to authorize the payment of any Bond, until one years interest has been provided for in advance. The moneys collected under this Act, and known as the Bridge Fund, are not subject to draft, and the Treasurer of the City of Galveston as hereby

See Art. XI, Title X, of the Charter.

forbidden to pay any draft out of said Fund, unless it be accompanied by a Bond for the amount of the draft surrendered to be cancelled.

CHAPTER VIII.

CEMETERIES.

ARTICLE 63. [I.] The place purchased by the City as a site for a Cemetery, viz: Lots Nos. 71 and 80, Section one, Galveston Island, and such other grounds as may be hereafter added to said Lots, shall be the place of burial for the dead, for the City of Galveston, and shall be known and designated as the City Cemetery.

Approved May 2, 1870. See Art. 23, Title X. of the Charter; and Sec. 11 and 39, Art. 3, Title IV of the Charter.

ART. 64. [II.] The said two Lots shall be suitably laid off into streets, paths and lots. The size of a full lot shall be twenty by twenty feet, which full lots may be sold in quarters, and the price of a full lot shall be twenty-five (25) dollars, and of a quarter lot one-fourth of that amount.

ART. 65. [III.] The City Engineer shall survey said grounds, and shall make a map thereof, of a size not exceeding twenty feet to the inch, on durable paper, and neatly and artistically drawn, designating in some appropriate part, some portion as burying ground for paupers, buried by the County or City, and another for strangers; and numbering the lots from the South Central entrance to the North consecutively, as ranges East and West from the central street, 1, 2, 3, &c.; and the quarter blocks shall be designated N. E., N. W.. S. E., and S. W., quarter; which map, when completed, shall be framed and suspended in the office of the City Clerk, and a copy thereof filed in the office of the Recorder of Deeds.

ART. 66. [IV.] The said map being executed and adopted, the lots shall be open to purchase, and the person selecting a lot or quarter lot, or one or more lots, for a congregation, shall point the same out to the City Clerk, who shall note the same on the map, with the date and name, and give the applicant a certificate of selection. The applicant shall present said certificate to the City Treasurer, who shall receive the price of the lot or lots, and endorse his receipt on said certificate, which shall be returned to the Clerk and filed in his office.

ART. 67. [V.] The Mayor shall cause to be printed and bound substantially, blank deeds for lots in the Cemetery, describing the lots as Lot No. —, in Range No. —, (East or West, as the case may be,) and on the return of the certificate of selection with the receipt of the Treasurer endorsed,

the Clerk shall fill up one of the blank deeds with the name of the purchaser, number of range and lot, or quarter lot, and date, and the Mayor and purchaser shall sign said deed, and their signatures shall be attested by the Clerk, who thereupon shall deliver to the purchaser a certificate of purchase, describing the lot as in the deed, and the certificate of purchase shall bear the number of the page of the deed book. The said book shall be indexed alphabetically, with the names of all purchasers of lots, and the page of the deed, and shall remain as record of the City in the custody of the City Clerk; and for each certificate of purchase completed the City Clerk shall receive one dollar, to be paid by the purchaser.

ART. 68. [VI.] The proceeds of lots sold shall as received by the Treasurer, be credited to the Cemetery Fund, and shall be subject to draft only for Cemetery purposes, and to reimburse the city for the amount paid for the grounds.

ART. 69. [VII.] For the care, improvement, and beautifying of the grounds, and as superintendent of the work, there shall be a Superintendent of the Cemetery, who shall reside at the Cemetery, and shall have the supervision of all laborers employed thereon. The said Superintendent shall be appointed by the Mayor, by and with the consent of the City Council, and shall hold his office for one year, removable at the pleasure of the Mayor, and shall receive as salary one hundred dollars per month, payable when in funds from the Cemetery Fund, and when otherwise, from the General Fund.

ART. 70. [VIII.] The City Sexton shall prepare the graves as called for, and shall receive for his services such fees as are now or may be hereafter allowed by law.

ART. 71. [IX.] The Superintendent of the Cemetery shall, from time to time, submit to the Council suggestions as to improvements to be made, with estimates of the cost, and if the same be approved by the Council, they shall appropriate from the Cemetery Fund the amount necessary for the work as it progresses from month to month, or for the purchase of material and pay of laborers; and the said Superintendent shall keep a Time Table, and prepare the Pay Roll, to which he shall make oath.

ART. 72. [X.] It shall be the duty of the Committee on Cemeteries, at least once a month, to examine the progress of the work projected and in course of completion, and report to the Council, and on recommendation of the Committee and an address of a majority, the Mayor shall remove the Superintendent for cause, viz: for incompetency, for inattention, or neglect of duty.

ART. 73. [XI.] The City Sexton shall keep a Register in his office, in a substantially bound book, in index form, allowing eight to ten pages to each letter, which Register shall be ruled into columns, showing "Date of Burial," "Name of Deceased," "Nativity," "Age," "Cause of Death," "Place of Burial," viz: No. of Range, No. of Lot, and No. of Grave in Lot; Provided, that when the burial is made in a private lot, the No. of grave shall be omitted.

ART. 74. [XII.] The Sexton shall enter in said Register all burials made in the Cemetery, whether in private Lots, Potter's Field, or Stranger's Ground; and for the purpose of making said entry he shall require from the friends of the deceased a certificate from the attending physician, or from some two citizens, as to the facts necessary to be interred, or shall have an inquest held on the body.

ART. 75. [XIII.] The said Register shall be kept in the office of the City Sexton, and shall be open to inspection by any one interested, and failure to make such entries shall be sufficient cause for removal from office.

ART. 76. [I.] The City Sexton shall, before he enters upon the duties of his office, take and subscribe an oath before the Mayor, or some Justice of the Peace, resident in said City, well and truly to perform the duties of his said office. Approved Jan. 8, 1857.

ART. 77. [II.] Any person desiring to have a dead body interred in the City Cemeteries, shall apply to the City Sexton for that purpose, and it is hereby made the duty of the said Sexton faithfully to inter the dead bodies of all persons entrusted to him for that purpose: Provided, that the person having charge of said dead body, or desiring such interment to be made, shall furnish the Sexton with a certificate from the attending physician of the deceased, or from some member of the family or friend of the deceased; or in cases where an inquest shall have been held upon said dead body, from the Coroner, or other officer acting in such capacity, setting forth and stating the name, sex, age, place of birth, residence of the deceased, time and place of death, and the disease or casualty which produced such death, or as many of the said particulars as may be known or can be obtained.

ART. 78. [III.] It shall be the duty of the Sexton to require such certificate to be delivered to him before he inters any dead body, and if he shall bury any person without such certificate, he shall be subject to a fine of not exceeding ten dollars.

ART. 79. [IV.] It shall be the duty of every householder, or other person having charge of the body of any deceased person, and of the attending physician, to furnish the certificate required by Section 77, and upon refusal or

neglect to comply with such requisition, he shall be fined in a sum of not exceeding ten dollars.

ART. 80. [V.] It shall be the duty of the Sexton to keep a Record Book, which shall contain a correct account of all Burial Lots, or Graves sold in the Cemetery under his charge, and also an abstract of all the certificates furnished and delivered to him with any dead body, and he shall make a weekly report to the City Clerk of all interments in the Cemeteries under his charge, with the name, color, nativity, residence, and age of the person interred, whenever they can be ascertained, and the disease or casualty which caused the death, and shall report oftener, whenever he shall be required by the Council or by the Mayor; and for failure or neglect to observe the requirement of this Section, he shall be liable to a penalty of two dollars for each and every omission.

ART. 81. [VI.] It shall be the duty of the City Clerk to transcribe the said reports of the Sexton into a Record Book, to be kept for that purpose in his office, and to publish the same monthly, or as often as he may be required by order of the Council or of the Mayor; and for any neglect of duty in this particular, the said Clerk shall be subject to a fine of not more than ten dollars for each and every omission.

ART. 82. [VII.] It shall not be lawfml for any person to disinter, or remove any dead body deposited therein, from any grave or vault, except it be upon the application or with the consent of the friends or family of the deceased; and then only under the written permission of the Mayor, and superintendence of the City Sexton. And if any person shall offend against the provisions of this section, or shall receive any such body, knowing it to have been so disinterred and removed, he shall be fined in a sum not exceeding one hundred dollars, and if the fine be not paid, shall be imprisoned not exceeding fifteen days.

ART. 83. [VIII.] If the said City Sexton, shall, without the consent of the friends or family of the dead person, and without proper authority, as specified in the preceding section, suffer, permit, or allow the disinterment of any dead body, or participate directly or indirectly therein, or in unlawfully and improperly withholding, and keeping from interment any dead body, or suffering or allowing it to be done, he shall be fined in a sum of not exceeding one hundred dollars, and shall be removed from office.

ART. 84. [IX.] The said Sexton shall prepare, or cause to be prepared, graves for the reception of dead bodies, as promptly as shall be required, and shall take care that none be of a less depth than three feet. And it shall be his duty

to keep the Cemeteries free from weeds and in good condition.

ART. 85. [XI.] If any person shall cut, break or otherwise injure, mutilate or deface, any tombstone, head or foot board, vault, monument or enclosure, tree, shrub or ornament, in the City Cemeteries, or in any grave yard, whether belonging to the city or not, he shall be liable to be fined in a sum not exceeding twenty-five dollars.

CHAPTER IX.

CITY ATTORNEY.

ARTICLE 86. [I.] It shall be the duty of the Mayor, by and with the advice and consent of the Board of Aldermen, annually to contract with, and engage the services of some competent Lawyer, resident within the city limits, to perform the duties of City Attorney and Counsel, for and during the municipal year, and until the election and organization of the succeeding Board of Aldermen, and until he shall be superseded by some other person under a new contract. Approved Jan. 8, 1857.

ART. 87. [II.] It shall be the duty of the person so engaged and employed as Attorney and Counsel for the city, to advise the City Council and officers of the city, upon such legal matters and questions affecting the interests of the corporation, as may from time to time be referred to him; to institute, prosecute, defend, and generally to attend to all suits in which the city shall be a party, or may be otherwise interested, in the several courts of the State of Texas; to attend the trial of any case before the Mayor in his court, whenever called upon by that officer, and before the Board of Aldermen upon the trial of any officer of the city, and to conduct and manage the prosecution thereof; and generally to perform such other professional duties as may from time to time be required by the City Council.

ART. 88. [III.] That the compensation to be paid to the said Attorney and Counsel, shall be such as shall be agreed upon and specified in the contract entered into and agreed upon with him, as provided to be made in the first section.

CHAPTER X.

COUNTY ATTORNEY.

Approved Jan. 2, 1871.

WHEREAS, the County Attorney of Galveston County, has been in the habit of attending the sessions of the Recorder's Court, and claiming by virtue of his official position as such County Attorney, the right to take charge of causes pending before the Recorder's Court, and to have a fee of ten dollars taxed against the delinquent as his fees for services thus rendered; and, whereas, the Recorder of this city has been in the habit of entering said fees of such Attorney's fee, taxed against delinquents, and collecting for the use and benefit of said County Attorney; and, whereas, the aforesaid practice is wholly unwarranted in law, and adverse to good morals,

ART. 89. [I] Therefore, be it ordained by the Mayor and Aldermen, in council convened, That the Recorder of this city shall not order or allow any fee for the use and benefit of the said County Attorney to be taxed in any bill of costs ordered by said Recorder's Court, nor shall the Clerk or Chief of Police of the city tax, or allow to be taxed or collect, any fee for said County Attorney as above.

ART. 90. [II.] That if the City Clerk or Chief of Police shall violate the provisions of this Ordinance, they and each of them so offending shall, for every such violation be liable to pay a fine not less than twenty-five dollars, nor more than fifty dollars.

ART. 91. [III.] That if the City Recorder shall violate the provisions of this Ordinance, he shall for each and every such violation, forfeit and pay to the City of Galveston the sum of fifty dollars; and in all complaints against the City Recorder for violating this Ordinance, the cause shall be tried before the Mayor of this City, presiding as Judge of the City Court.

ART. 92. [IV.] That if the said Recorder shall give to the said County Attorney any instrument of writing purporting to show that said County Attorney is entitled to any fee as such for services rendered before the City Court, he shall be deemed and held to have violated the provisions of this Ordinance.

CHAPTER XI.

DIVISION FENCES.

Approved June 9, 1858. See Sec. 7, Art. II, Title VII, of the Charter.

ARTICLE 93. [I.] It shall be the duty of the owner or owners of all occupied lots, to erect and keep in repair, proper fences to divide their property from that next and adjoining; one-half of each division fence to be paid for by each

owner or owners thereof, said fence to be not less than five feet in height, substantially built, of good material, the posts not more than nine feet apart, and the palings not more than one and one-half inches from each other.

ART. 94. [II.] Any person owning an occupied lot who shall have erected his half of the division fence as contemplated in the first section, may require the owner or agent of the adjoining occupied lot, to erect the other half of said fence on giving him thirty days notice to erect the same, which party shall comply with this Ordinance within thirty days after receiving such notice; and if he neglects or refuses so to do, he or they shall be liable to a fine of five dollars per day, for each day thereafter he shall fail to erect said division fence.

ART. 95. [III.] No provision herein shall be so construed as to compel owners of vacant lots to erect any part of any division fence adjoining the same.

CHAPTER XII.

FINANCE.

ARTICLE 96. [I.] When a party indebted to this corporation presents for the payment of such indebtedness a draft for par funds on the City Treasury in an amount exceeding such indebtedness, the Marshal or other officer collecting the same shall require such person to credit said draft with the full amount of such indebtedness, and in addition he shall give to the Marshal or other collector a receipt or statement to the effect that he paid his indebtedness with said draft, and that he had credited the amount on the draft, giving in said receipt or statement, the amount, date, and number of the draft, and in whose favor the same was issued, which statement shall be deposited with the Treasurer, and received by him as so much money. Passed March 20, 1865

ART. 97. [I.] All moneys received by any officer of the City on account of the City, for any taxes, licenses, fines or other dues of the City, shall be paid into the Treasury of the City as received, whether said receipts shall be in currency, or City script or coin. Approved Dec. 21, 1868. See Sec. 1, Art. III, Title IV, of the Charter.

No officer of the City receiving money on account of the same, shall substitute City scrip for currency received by him. See Sec. 1, Art. XII, Title III, of the Charter.

All officers of the City, receiving money on account of the same, shall keep an accurate record of his receipts from each party paying. Said record shall detail the amount and character of the payments received, whether the same was

in City scrip, coin or currency, and said returns shall be made under oath.

CHAPTER XIII.

FIRES—PREVENTION AND EXTINGUISHMENT OF.

Approved Jan. 22, 1857.

ARTICLE 98. [1.] An alarm of fire shall be given by ringing two or more strokes per second for the space of a minute or more on the market bell, or any church or hotel bell, in the city of Galveston, or any steamboat bell in the harbor, or the alarm bells in each Ward.

See Sec. 10, Art. II, Title VII, of the Charter.

ART. 99. [II.] Any person who shall make a false alarm of fire, or shall ring or cause to be rung any hotel, steamboat, church or similar bell, at a more rapid rate than one stroke per second, for the space of half a minute or more, (except in cases of fire,) shall be liable to a fine of twenty dollars ($20) or ten days' imprisonment.

ART. 100. [III.] It shall not be lawful for any person or persons to have in his, her or their possession, within the City, any coal, wood, plank, staves, shingles, or other lumber, or fuel of any description, combustibles or any materials that may occasion hazard or danger of fire, unless the same shall be secured in such manner as shall be considered by the Mayor or Chief Engineer to be safe from any danger of fire. Any person or persons refusing to remove the said articles when ordered by the Mayor, shall forfeit and pay the sum of twenty-five dollars for every day such refusal or neglect shall continue.

See Sec. 34, Art. III, Title IV, of the Charter.

Sec. 5, Art. II, Title VII.

ART. 101. [IV.] It shall not be lawful for any person or persons to fire or discharge any gun, pistol, fowling-piece or firearm, or to discharge or let off any rocket, cracker, squib or other fireworks in any street, yard, lot, alley, walk or public highway within the limits of the City, or from the door or window of any house, or other building, or near any house, in any inhabitable part of the City, under any pretext whatever, under a penalty of five dollars for each offence, if the person so offending be over the age of fourteen years, and if under the age of fourteen, then such person's parent or guardian shall pay such penalty.

ART. 102. [V.] It shall not be lawful for any person or persons to carry, or cause to be carried in the streets or alleys, any burning coals or brands unless the same be shut up in a covered vessel, and any person offending against the provisions of this section shall be subject to a fine of five dollars.

ART. 103. (VI.) It shall not be lawful for any person living within the limits of the City to build, or make, or have a fire in his, her or their yard, or in the alleys or streets of said City. And each and every person offending therein, shall be subject for each offence to a fine of not more than one hundred dollars.

ART. 104. [VII.] It shall not be lawful to erect, or use any stove or Franklin, unless the pipe thereof be conducted into a chimney made of brick or stone, nor shall any such naked pipe be allowed to pass through the upper floor of a building; and in every wooden wall, partition and floor, through which a pipe is to run, there shall be placed a stone or earthen crock, or double tin cylinder through which such pipe shall extend; and between such crock and cylinder and such pipe, there shall be a space of at least one inch, nor shall any such pipe be so put up as to project through said chimney into the open air; and any persons violating the provisions of this section shall be liable to a penalty of ten dollars for each and every day during which said pipe may be in use. See Sec. 1, Art. II, Title VII, of the Charter.

ART. 105. [VIII.] There shall be imposed a like fine of ten dollars upon any mechanic, or other person, who shall erect or put up any stove-pipe in violation of the provisions of the preceding section.

ART. 106. [IX.] It shall be the duty of all persons using a stove or stoves in any house, store, shop or building within the corporate limits of the city, to have a platform of stone, brick, sheet iron or earth under the said stove or stoves, extending at least six inches in every direction beyond that part of the lower plate, that fronts the door or doors of said stove or stoves; and any person failing to observe or conform to this direction, shall be liable to be fined not exceeding ten dollars for each and every day the same shall be used.

ART. 107. [X.] The owner and occupant of every house within the limits of the City, shall provide and keep one fire bucket for each and every room in his house, or upon his premises, in which a fire is kept, whether it be a fire place in a chimney or a stove; which said fire bucket shall be capable of containing two and a half gallons of water, and shall be marked with the owner's name, or at least the initials of his name, and the same shall be kept suspended in some convenient place, ready to be delivered and used for the extinguishment of fires whenever any may occur; and every owner or occupant of any house, who shall neglect or refuse to provide themselves with said fire buckets, after being notified so to do by any officer of the City Police, or the Fire Department, shall forfeit and pay the sum of five dollars for See Sec. 3, Art. II, Title VII, of the Charter.

each and every week of the continuance of said refusal or neglect; and every person having any fire buckets in his or her possession, who shall neglect or refuse to deliver them for use on an alarm of fire, shall forfeit and pay for every bucket so retained the sum of one dollar.

As amended December 6, 1871.

ART. 108. [XI.] No person or persons shall be allowed to keep in his, her or their stores, house or houses, at any one time a larger quantity than twenty-five pounds of gun powder or fireworks of any kind; and any person or persons offending against this section shall be fined for each and every pound of powder or fireworks found in or upon their premises, over and above the quantity allowed, the sum of one dollar, or in default of payment of such fine, to be imprisoned in the city jail for the term of fifteen days.

See Sec. 6, Art. II, Title VII, of the Charter

ART. 109. [XIII.] There shall be organized under the superintendence of the Mayor, a company to be styled the Fire Brigade, to consist of forty men, said Brigade to be under the command of the Mayor and assisted by an Assistant Engineer and the two Wardens,—the Wardens and Assistant Engineer, to be elected by a majority vote of the company, and to serve for one year from the time of their election; all vacancies in officers to be filled by company elections for the unexpired term. Said Fire Brigade shall be selected by the Assistant Engineers of the steam fire engine companies and the hook and ladder company, ——— men from each company. In case of the absence of either Warden at a fire, the Mayor, if present, and if not, then the Engineer, shall appoint a substitute for the time being. The Mayor at any fire shall be distinguished by wearing on his hat on canvas the word "Mayor," as a symbol of his office and authority; and the badges of the company hereby organized shall be, for the Engineer, a hat band of painted canvas with the word Engineer painted thereon; and for the Wardens, a hat band of painted canvas with the word "Warden" in black letters upon a white ground, and for privates a similar hat band of painted canvas with the word "Fire Police" in white letters upon a black ground. Said company and the officers thereof are to serve without pay.

Sec. 1, Art. III, Title VII, of the Charter.

ART. 110. [XIV.] The duties of said Fire Brigade shall extend to everything connected with fires not belonging to the Engine Department, that is to say, the Mayor or Engineer may detail a portion under the command of a Warden to serve as a police for the protection of property, to guard against robberies and prevent the interference and intermeddling of persons not belonging to the premises or to the fire service, to arrest suspected persons, to carry out goods and other movables and secure them, and generally to

See Sec. 9, Art. II, Title VII, of the Charter.

do all that may be deemed necessary for the safety and protection of persons and property. A portion may be employed in the use of water buckets or other aids in extinguishing conflagrations; others shall be equipped and serve as axe men, others as a hook and ladder company, and others may be employed whenever the Mayor shall deem such course necessary, to arrest the progress of any fire, in blowing up houses.

ART. 111. [XV.] Whenever it shall be deemed necessary to blow up, or otherwise destroy any house, for the purpose of preventing the extension of any conflagration, the order therefor shall be given by the Chief or acting Chief Engineer after consultation with, and the approbation of the Mayor; and if the Mayor be not present, then the Chief Engineer shall act upon his own judgment, and give the said order whenever it shall be deemed necessary and proper.

See Sec. I, Art. IV, Title VII, of the Charter.

ART. 112. [XVI.] Whenever forty persons, selected in accordance with section thirteen, shall have enrolled themselves, the company shall meet for permanent organization. They may make such rules for their government as they may deem proper, and shall classify the men in two squads of twenty men each, numbering them one and two, and the Warden of each to correspond in number with that of his squad, and to take rank accordingly. At all company meetings the Assistant Engineer shall preside, and if he be absent the Warden of squad number one, and if he be absent the Warden of squad number two.

ART. 113. [XVII.] The Mayor shall procure, from time to time, at the expense of the city, such tools, implements and apparatus as may be necessary for the equipment of said Fire Brigade, to enable them to discharge the duties herein provided for, and the said Mayor shall also provide, and have safely kept, the necessary amunition for blowing up houses.

ART. 114. [XVIII.[During the prevalence of a fire, the Mayor, in addition to the duties herein imposed, shall have full power and authority to direct the movements and labor of said Fire Police, or any portion of it; he shall also have full power and authority, and it is made his duty, on the application of the Chief or other Engineer, or Foreman of any of the fire engines, to order and direct any unemployed man who may be in the vicinity of the fire, to assist in working the engines or other apparatus, and to require his obedience to the Foreman under whom he may be placed; and also to render any other aid or assistance in arresting the conflagration, which may be required of him by the Chief Engineer, or any other officer of the Fire Department;

and if any one be so summoned and required, and shall refuse to perform the duty so required of him, he shall be subject to a fine not exceeding five dollars.

ART. 115. [XIX.] Any person, other than those interested in the property periled or threatened by fire, who may interfere with the performance of the duties of the Fire Police, or any member thereof wearing his badge, shall be liable to arrest and imprisonment until the fire shall be extinguished; when, on hearing the cause of complaint, before the Mayor's Court, the party accused, if found guilty, shall be fined in a sum not exceeding five dollars.

ART. 116. [XX.] To prevent all misconstruction, it is hereby declared that it is the true intent and meaning of the preceding six sections to clothe the Mayor of the City, as Chief Magistrate thereof, with such power as in the exercise of a sound and reasonable discretion, it may become necessary so to act at any fire to protect the rights and property of any one or more of the inhabitants of the City.

CHAPTER XIV.

FIRES—FIRE ENGINE DEPARTMENT.

As amended Jan. 21, 1867.

See Art. III Title VII, of the Charter.

ARTICLE 117. [XXI.] There shall be chosen by the Fire Department, subject to approval of the City Council, and commissioned by the Mayor, one First or Chief Engineer, and one First Assistant Engineer, one Second Assistant Engineer, and one Third Assistant Engineer; and the Mayor shall commission one Foreman, one Assistant Foreman, and such number of Firemen as the Council may deem best, for every Engine, Hook and Ladder, and Hose Company, that may be now, or shall hereafter be formed and organized in said city; and these and their successors shall constitute the Fire Engine Department of the City of Galveston.

See Art. III Title VII, of the Charter.

ART. 118. [XXII.] The Chief Engineer shall command the Fire Engine Department. It shall be his duty, with the force and apparatus under his command, to prevent the destruction of buildings, vessels, and property, by fire, within the City of Galveston; and he shall exercise full authority in the premises, according to such Ordinances as the City Council have, or may hereafter ordain; and the Chief Engineer and Department shall be responsible only to the City Council for their official acts and conduct. The Chief

Engineer shall be empowered, and it shall be his duty, to call out the entire Fire Engine Department twice in each year, for a general inspection of the Engines, Trucks, Apparatus and Equipments, and for the washing of the Engines; and it shall further be his duty to make a report of each inspection to the City Council semi-annually, in May and November in each year, which report shall contain a return of the property of the city in the possession of each Company, and shall further contain an account of the services rendered by the Department, and the manner in which the several Companies have discharged their duty. As amended July 16, 1860.

The Chief Engineer shall further have the power to suspend any one Company, for one month, for neglect of duty, or refusal to obey his orders and report the same to the Council, who may order said Company to be disbanded by resolution.

ART. 119. [XXIII.] It shall be the duty of the Second Engineer to execute all orders that may be given him by the Chief Engineer, in the extinguishing of fires, and in the absence of the Chief Engineer he shall assume and take command of the Fire Department, and act as the Chief Engineer, and he shall be governed by the same Ordinances and Laws that govern the Chief Engineer while in command.

ART. 120. [XXIV.] It shall be the duty of the Third Engineer to execute such orders as he may receive from the First and Second Engineers, in the extinguishing of fires; and in the absence of the First and Second Engineers, he shall command the Fire Department, and shall be governed by the same Ordinances that govern the First and Second Engineers while in command.

ART. 121. [XXV.] It shall be the duty of the Foreman of every Engine, Hook and Ladder, and Hose Company, upon an alarm of fire, to repair to the fire, with the Company and Apparatus under his command and there to receive and execute such orders as may be given him by the First, Second and Third Engineers in the extinguishing of the fire; and it shall be the further duty of the Foreman to see that the Engine and Truck Houses, Equipments, &c., in the possession of the Company under his command, are at all times in proper order and condition for immediate use, and that the same are kept neat and clean at all times. He shall also preserve order and discipline in his Company when on duty, and enforce a strict observance of the City Ordinances relating to the Fire Engine Department. He shall cause exact rolls to be kept of the members of his Company, and keep a Record Book of the property of the city entrusted to said Company, which book shall be opened at all times to the inspection of the City Council, through their Committee, or Approved July 16, 1860.

any of the Engineers in command. A Blank Book, for the keeping of such Record, shall be furnished to each Company by the City Clerk.

ART. 122. [XXVI.] It shall be the duty of the Assistant Foreman of every Company to execute such orders as may be given him by the Foreman in the extinguishment of fires, or in putting in order, and in keeping in good repair, the Apparatus in the possession of the Company to which he may belong; and in the absence of the Foreman he shall act as Foreman of the Company, and shall be governed by all such Ordinances of the City Council and By-Laws of the Company, as the Foreman is bound to observe while in command of the Company.

ART. 123. [XXVII.] It shall be the duty of every Fireman belonging to the Fire Department to pay due obedience to all orders he may receive from the Foreman or Assistant Foreman of the Company to which he is attached; to observe and be governed by all the Ordinances of the City Council, and By-Laws and Regulations of the Company to which he belongs; but he shall not be bound, while on duty, to obey any order except it come from, or through, the Foreman or Assistant Foreman of the Company to which he belongs.

ART, 124. [XXVIII.] All communications from the City Council shall be made by and through the Engineers in command, and the Chief Engineer shall, at least once in each year, report to the City Council the general condition of the Fire Department, of the Apparatus and Property belonging to it; the number of fires that have taken place, and, as near as may be, the amount of property destroyed; and it shall be his right and duty to make such suggestions and recommend such measures as he may deem best for the action of the City Council in regard to the Fire Department.

ART. 125. [XXIX.] The City Council shall have the right, at any time, to remove and put out of the Department any member of it; and when any vacancy shall occur among the Engineers by removal or otherwise, the Foreman and Assistant Foreman shall meet, and, by ballot, select such person as they wish appointed; and the name of the person so selected shall be sent to the City Council for appointment; and if the City Council should refuse to appoint the person so selected, then they shall, by ballot, select some other person, whose name shall be sent to the Council for appointment, as in the first instance; and when the office of Foreman or Assistant Foreman shall, by removal or otherwise, be vacant, the members of the Company in which the vacancy occurs shall meet, and, by ballot, select some person to fill the office; and the name of such person so selected shall be

sent to the City Council to be commissioned. If any person wishes to become a member of any Department, he shall make application to the Company he wishes to join; and if a majority of said Company shall approve of his becoming a member, then his name shall be sent to the City Council for appointment.

ART. 126. [XXX.[Every member of the Fire Department shall provide himself with a good leather fireman's cap, which he shall wear when on duty. The Engineers' caps shall be painted white, with their rank painted on the front. Any Company may direct what color their caps may be painted, but the Foreman and Assistant Foreman shall have their rank painted on their caps, and the members of their Company and the firemen shall have the number of their Company painted on the front of their caps.

ART. 127. [XXXI.] All expenditures in and about the repair of the Fire Engines, or any of the Apparatus, shall be made under the direction of the Chief Engineer; and all accounts for such repairs, or for the purchase of materials, or other necessary articles, shall be certified by him as correct, and shall then be filed with the City Clerk, to be by him presented to the Board for allowance.

ART. 128. [I.] No person shall, under any pretext whatever, take or use any of the implements, tools, or apparatus, belonging to any of the several Companies of the Fire Department, without first obtaining the consent of the Chief Engineer; and it shall be the duty of every Fireman, knowing of any such offence, to report the same to his Foreman, and said Foreman to make complaint to the Chief of Police, who shall take action in the matter; and for every violation of this Ordinance, the person guilty of such violation shall be subject to a fine of not less than two nor more than ten dollars. Approved May 5, 1857.

ART. 129. [I.] There shall be organized a Company of Axemen, to consist of a Foreman, two Assistants, and twenty-four members, which shall form a part of the Fire Department, and be under the superintendence, control and command of the Chief Engineer, and shall be subject to the same rules, regulations and restrictions as the Engine and Hook and Ladder Companies. Approved April 20, 1857

ART. 130. [II.] Said Company of Axemen shall be equipped by and under the direction of the Mayor, for service.

ART. 131. [I.] Racing to and from fires is not allowed under any circumstances, under penalty of dismissal, and if the apparatus of several Companies are proceeding on the same street to or from a fire they shall do so in single file. Approved Jan. 9, 1868

ART. 132. [II.] Any driver of a Steam Engine, or Hose Cart, or Hook and Ladder Company, or any other apparatus belonging to a fire Company, who carelessly or willfully come into collision with any other vehicle while going to or from a fire, or any alarm of fire, shall be held responsible for all damages that may occur.

ART. 133. [III.] All drivers shall at all times see that their horses are properly secured and protected.

ART. 134. [IV.] All Companies of the Fire Department shall be furnished with a copy of the Fire Ordinance, and rules and regulations, which shall be framed and placed in their houses. It shall be the duty of the Officers and members of the Department to conform to the regulations and perform all the duties herein required.

ART. 135. [V.] All Officers and Members of the Department are strictly forbidden to make any purchases for the Department except by the direction of the Mayor, Fire Department Committee, and Chief Engineer.

ART. 136. [VI.] If any driver of a Steam Engine, or Hose Carriage, or Hook and Ladder Company, shall carelessly drive over any hose, unless it cannot possibly be avoided, shall be subject to dismissal from the Department.

Approved April 1, 1867.

ART. 137. [I.] The Foremen attached to the several Steam Fire Engines, are required to exercise their horses daily in hauling shells and sand, and at such work as may be directed by the Fire Department Committee, to leave their wagons on the spot when they hear the alarm of Fire, and to resume their work after the fire is extinguished. During the working of the Engine at fires or washings, no liquor of any kind shall be allowed around the Engine to the Engineer or Firemen; and it is the specified duty of the Officer in charge of the Engine, to see that this order is implicitly obeyed. The maximum of steam required on all ordinary occasions shall not exceed 80 pounds, and if at any time an extra quantity of steam is required, the Officer in charge of the Steam Engine will notify the Chief Engineer of the same.

Approved June 7, 1869.

ART. 138. [I.] The Mayor be, and is hereby authorized to purchase blacksmith's tools, and all suitable material necessary for the repairs of Engines and all other City work, to be placed in the house in the rear of the one now occupied by Steam Engine No. 2, the same to be made into a shop of repairs; the said shop to be placed in charge of First Engineer of Steam Engine No. 2, who, with his assistant, shall be required to do all the City work, and be held accountable for receipts and disbursements of same; that the cost of the blacksmith's tools used in the shop of repairs shall not exceed $250.

ART. 139. [II.] The Mayor be and is hereby authorized to sell the house and lot on Mechanic street, now occupied by Washington Fire Engine Company, and to contract for the building of an Engine House for the same company on the end of the building known as a fish market, occupying as much of the end of the market, facing Strand, as may be deemed necessary, erecting on said building a bell-tower and placing the Town Clock in same; for the payment of which building he be authorized to appropriate the sum not exceeding ——— hundred dollars, from proceeds of sale of said Engine House, and the balance of the money, or so much thereof as may be neeessary, to be expended in putting all the Steam and Hand Engines in complete order and repair; that no sale of old house or contract for new, be made without the consent of the Mayor and Board of Aldermen.

CHAPTER XV.

FIRES—FIRE LIMITS.

ARTICLE 140. [I] It shall not be lawful to erect, build, place, move, enlarge or repair, or to commence to erect, build, place, move, enlarge or repair, any wooden building, or any building whatsoever constructed of wood, or with a wooden roof, in this city, between the following boundaries: Avenue A on the north, and the alley between Avenue E (or Postoffice street,) and F (or Church street) on the south; Eighteenth street on the east and Bath Avenue on the west. Nor shall any person move any wooden building into the space bounded by said streets and avenues, nor remove any wooden building from one place to another within said limits. Approved July 18, 1871. As amended Nov. 21, 1871.

ART. 141. [II.] Each and every building, of any size or kind, hereafter erected within said limits, shall have walls and roof constructed of fire proof materials, using for walls brick, stone, concrete or iron, and for roof slate, tin or iron.

ART. 142. [III.] Whenever any wooden building, now standing within said limits, shall be damaged by fire, the rebuilding or repairing of the same is hereby prohibited, unless the owner shall first obtain a permit from the Mayor of the city; and before the Mayor shall issue any such permit, he shall cause the said building to be inspected by three disinterested persons, who shall appraise the damage on the same; and if they shall appraise the damage to said building to be fifty per cent. of its value before the fire, or more, no permit shall be granted. The cost of appraisement shall be paid by the owner. See Art. I, Title VII, of the Charter.

ART. 143. [IV.] That when any building shall, from age and neglect, become dilapidated, the same is hereby declared a nuisance; and on complaint being made to the Mayor of any such building, he shall cause the same to be inspected by three disinterested persons, free-holders in the city, and if the same be reported by the inspectors to be in a dilapidated condition, if the said house be in the fire limits, and a wooden house, the Mayor shall cause it to be removed or pulled down, as he may deem best, giving ten days' notice to the owner to remove or dispose of the same, so that the nuisance be abated; if said house be outside the limits fixed by this Ordinance, the Mayor shall require the owner to repair the same, or abate it, within time to be fixed in the notice; and if the owner, after notice, fail or refuse to repair or abate the house within the time fixed, it shall be abated by the proper officers of the city, on the order of the Mayor,—all expenses to be paid by the owner of the property.

ART. 144. [V.] That whenever any wooden building, within the limits fixed in the first section of this Ordinance, shall be complained of as dangerous to the contiguous buildings, or as likely to cause fire, the same shall be inspected, as hereinbefore provided in case of dilapidated buildings; and if the inspectors shall report the building complained of to be dangerous to contiguous buildings, or as likely to cause or promote fires, the same shall be deemed and held to be a nuisance, and the Mayor, after ten days' notice to the owner to remove or abate the nuisance, shall cause the same to be pulled down or removed, at the expense of the owner.

ART. 145. [VI.] Any person who shall violate the provisions of the First Section of this Ordinance, shall be fined in the sum of One Hundred Dollars for the first offence, and Two Hundred Dollars for the second and each subsequent offence; and if said fine is not paid, the person convicted shall be imprisoned, and may be required to work on the streets for sufficient time to pay off said fine at the rate of Two Dollars per day.

ART. 146. [VII.] Any person violating the provisions of the Third Section of this Ordinance, shall be fined in the sum of One Hundred Dollars; and should said fine not be paid, the person convicted shall be imprisoned, and may be required to work on the streets of the city for fifty days, and the same penalty shall be imposed for each offence.

See Art. VI Title VII, of the Charter.

ART. 147. [VIII.] All fines collected under this Ordinance in money, shall be paid to the Treasurer of the Firemen's Relief Association, for the use and benefit of said Association.

ART. 148. [IX.] If the owner of any wooden house, damaged by fire, shall desire to repair the same, he shall notify the Mayor in writing, stating the locality of said building, and that it is within the limits fixed by this Ordinance, whereupon the Mayor shall appoint three disinterested persons, house-holders in the city, who shall inspect the said damaged building, and appraise the same, and the damage thereto, and make report of the same to the Mayor in writing, under oath; and if it shall appear from said appraisement that the said building has been damaged by fire to the extent of fifty per cent. of its value, the Mayor shall issue an order prohibiting the repairing of said building, and thereafter the said building shall not be repaired. As amended Nov. 21, 1871.

ART. 149. [X.] All other Ordinances fixing the limits in which wooden buildings shall not be erected, and all Ordinances conflicting with the provisions of this Ordinance, be and the same is hereby repealed, and that this Ordinance take effect and be in force from and after its publication; Provided, however, that houses in construction on the South side of Avenue E, or Postoffice street, and between Twenty-Fourth and Twenty-Fifth streets, are exempted from the force of this Ordinance.

ART. 150. [XI.] It shall be the duty of the Chief of Police to designate one of the police force, to be confirmed by the Mayor, whose duties it shall be to enforce all ordinances for the prevention and spread of fires. This policeman, or the Chief of Police, shall be required to visit and inspect all buildings in process of construction within the fire limits, and see that such buildings are constructed in accordance with the provisions of all ordinances relating there to. They shall investigate and report to the Mayor the cause and origin of all fires occurring within the city. They shall be authorized and required to enter all buildings within the corporate limits of the city, to ascertain the arrangement and condition of flues, stove pipes, &c., and see that all provisions of Ordinances relating thereto be enforced.

CHAPTER XVI.

GAS.

ARTICLE 151. [I.] Alfred F. James, and Ephraim McLean, and such persons as they may hereafter associate with them, their successors, and assigns, be and are hereby authorized to use the streets, lanes, alleys and public grounds of said city for the term of twenty-five years, for the purpose of Passed Dec. 3, 1855.

laying down in the streets, lanes, alleys and public grounds, pipe for the conveyance of Gas in and through said city, for the use of said city and its inhabitants; Provided, said Gas pipes shall not interfere with the drainage of the city by the necessary construction of sewers, or other underground fixtures for the conveyance of water within said city. Nor shall the inhabitants thereof be liable for damages for the necessary disturbance of said pipe on account of any improvements in the drainage of streets, lanes, alleys, or public grounds of said city, or in the construction of any public work; Provided, further, That the works for generating Gas shall not be erected East of Thirty-first street, in the city of Galveston.

ART. 152. [II.] Whenever the said Alfred F. James and Ephraim McLean, and their associates, successors, and assigns, shall at any time propose to open any street, lane, alley, or public ground, for the purpose of laying down Gas-pipe, they shall give the City Surveyor, or the Mayor of said city if there be no City Surveyor, three day's notice thereof, and shall not, during the progress of the work, unnessarily obstruct the passage of said streets, &c. And further, they shall, within a reasonable time, repair such parts of any street, lane or alley, as they may have broken up for such purpose, in such manner as shall be acceptable to the proper corporate authorities of said city.

ART. 153. [III.] In consideration of the privileges granted to Alfred F. James and Ephraim McLean, their associates, successors and assigns, they shall furnish to the said city, if required, upon the streets, lanes and public grounds, in or through which the leading or main pipes shall be laid for the purpose of supplying the citizens with Gas, such quantity of Gas as may be required by the City Council for public lamps, at a price not exceeding that charged to private individuals, by this or any other company hereafter to be established, which Gas whenever required by said city, said corporate authorities shall take from said Alfred F. James and Ephraim McLean, their associates, successors and assigns, the lamp-posts, meters and lamps, being furnished at the expense of the city.

ART. 154. [IV.] Said Alfred F. James and Ephraim McLean, their associates, successors and assigns, shall be, and are hereby authorized to charge the inhabitants of said city, for the Gas furnished by them, not exceeding seven dollars for every one thousand feet.

ART. 155. [V.] Temporary failure on the part of said Alfred F. James and Ephraim McLean, their associates, successors and assigns, to perform any of the conditions exacted of them, when such failures are occasioned by acci-

dent or otherwise untoward events, shall not work a forfeiture of their privilege, provided such accidents or events be remedied or repaired within a reasonable time.

ART. 156. [VI.] That the Mayor be authorized and required to enter into a written contract on the part of the corporation of the City of Galveston with the parties before mentioned, under and in accordance with the provisions of this Ordinance, and for the purpose of carrying out the provisions of the same; and this Ordinance, and the contract to be entered into by virtue thereof, shall be considered as applying to said parties and such other persons as they may from time to time associate with them, their successors and assigns; and in case said persons shall procure an act of incorporation from the Legislature of the State of Texas, in relation to the purposes herein contemplated, then this Ordinance and the contract herein contemplated, shall be applicable to, and considered as if made with such corporate body.

ART. 157. [I.] Any person, association, or incorporation, that may hereafter erect and establish Gas works, to light the dwellings and buildings of the inhabitants with Gas, be and are hereby authorized to use the streets, alleys and public grounds of said city, for the purpose of laying down beneath the surface thereof, pipe for the conveyance of Gas in and through the said city, for the use of said city and its inhabitants; Provided, that said Gas-pipes shall not interfere with the drainage of said city, by the necessary construction of sewers, or other underground fixtures, as receptacles for water, or for the conveyance of water within said city. Nor shall the inhabitants thereof be liable in damages for the necessary disturbance of said pipe, by reasons of any improvement in the drainage of streets, alleys or public grounds; Provided, further, That the person, association or incorporation, so using said streets, alleys or public grounds, shall not obstruct the passage thereof, or of the side walks,-while laying down said pipe, that they shall not break or open any such street, alley or ground, to any greater extent than it may be necessary to lay down the pipe already on the ground, and shall immediately repair said street, alley or ground, and fill up any such excavation to the satisfaction of the Committee on Streets and Alleys. Passed May 3, 1858.

ART. 158. [II.] Whenever any such person, or incorporation shall propose to open any street, alley or public ground, for the purpose of laying down Gas-pipe, two days' notice of such intention shall be given to the Mayor before such work shall be commenced, who shall issue a permit for such purpose, without which, no street, alley or public ground, shall be so opened.

ART. 159. [III.] The corporation of the City of Galveston, will, in the purchase of Gas for the public lamps, give preference to the person, association or incorporation, who shall first complete the required Gas works to supply the inhabitants with Gas, provided that the price to be charged shall not exceed that charged to individuals.

ART. 160. [IV.] It shall not be lawful for any person, association or incorporation, to establish or erect any Gasometer, or other building for generating Gas, east of Thirty-First street.

CHAPTER XVII.

HACKS, DRAYS AND OTHER VEHICLES.

Approved Dec. 4, 1865.

ARTICLE 161. [I.] No person shall run or cause to run within the limits of the City, any coach, hack, hackney coach, cab, cart, dray, timber carriage, or other carriage or vehicle let for hire for the transportation of persons, produce, effects, merchandise and other articles generally whatever, without first obtaining a license therefor from the City Clerk for each of the above carriages or vehicles; and before procuring such license, such person or persons shall first enter into bond payable to the Mayor, Aldermen and Inhabitants of the City of Galveston, with two or more good and sufficient sureties, in the penal sum of five hundred dollars, to be approved by the Mayor conditioned for the payment of all penalties and damages, which said person or persons may incur or be liable to pay, under any By-Law or Ordinance of the city now in force, or that shall hereafter be enacted; Provided, that licenses may be issued to Livery Stable keepers of this city, to run single-horse buggies without giving bond; and every person or persons who shall fail to obtain the license, as herein required, and execute bond, shall be subject to pay a fine of not less than one half of the annual tax which he, she, or they, should have paid, which fine shall be imposed for each and every month that said license tax shall remain unpaid after the first conviction; and the person or persons in whose name a license is taken out under this section, shall be considered or held as the owner or owners thereof, and liable to the payment of all forfeitures, penalties, damages, by the provisions of this Ordinance imposed.

See Sec. 2, Art. III, Title V, of the Charter.

See Chapt. 41, on License Tax.

See Sec. 18, Art. III, Title IV, of the Charter

See Sec. 49, Chapt. 41, on License Tax.

See Chapt. 41, on License Tax.

ART. 162. [II.] The licenses to be issued by the Mayor under the Corporate seal, and the City Clerk shall cause to be inserted in a book, which he shall keep for that purpose in his office, the names of each proprietor of carriages and vehicles, above designated; the number of each license

which shall be delivered, and the designation of each species of carriage or vehicle for which such license shall be delivered.

ART. 163. [III.] The term of each of said licenses shall expire on the thirty-first day of December of each and every year, and must afterwards be renewed on the first (1st) day of January of each year; and any and all persons failing so to renew their license, as aforesaid, are hereby prohibited from running, or causing any such carriage or vehicle to be run, until they shall have renewed their license, as is by the present Ordinance required, under the penalty of ten dollars for each and every time he, she, or they, shall cause to be run any vehicle or carriage, as aforesaid.

See Sec. 36, Chapt. 41, on License Tax.

ART. 164. [IV.] The license to run any such dray, cart, wagon, coach, hackney coach, or other carriage or vehicle, shall be paid for yearly in advance to the proper officers at the rate prescribed by, and in conformity with the provisions of the Ordinance providing for a uniform rate of license tax, approved July 5th, 1871. Every dray, cart, wagon, coach, hackney coach, carriage, or other vehicle, licensed as aforesaid, shall have the number of the license as furnished, and the name of the owner fixed on some conspicuous part thereof, so that it can at all times be seen; and every hack, coach, carriage, cab, omnibus, or other vehicle for the conveyance of passengers, when driven or used, or waiting and standing for use, on any public street or place in the night time, within said city, shall have fixed upon some conspicuous part of each of the outsides thereof, a lighted lamp, with plain glass fronts and sides, with the number of the license painted with colors to be designated annually by the City Treasurer, on the sides and fronts of each of said lamps, in distinct and legible figures, not less than two inches in size, and so placed that said numbers and lamps may be distinctly seen from the inside and outside of such vehicle; and shall have a card, furnished by the city at the expense of the owner, containing the prices and rates of fare allowed by this Ordinance, and the name of the owner; and said card shall always be kept framed and posted right side up in some conspicuous place in each vehicle, so that the same can be easily seen and read by the passengers at all times; and any person or persons running any such vehicle for the purposes herein contained, without complying literally with its provisions, shall pay a fine of not less than ten, nor more than one hundred dollars, for each and every contravention.

See Sec. 35 Chapt. 41, on License Tax.

ART. 165. [V.] Every person who shall take out a license, as hereinbefore directed, shall be responsible for all persons who shall run with his number or license, unless a declaration of transfer or substitution shall have been made

by him at the Mayor's office, stating the name of the party substituted, which shall be endorsed and certified on the back of the license by the City Clerk; and such person so substituted shall be bound in the same manner as if he had taken out the license in the first instance, and shall be required to execute bonds as in the first section of the Ordinance required; and failing to execute such bond, the substituted or transferred license shall give such transferee no right to run such vehicle; and every person contravening the provisions of this section, shall pay a fine of from ten to twenty-five dollars for each and every contravention.

ART. 166. [VI.] Any person who shall run, or cause to be run, within the limits of this city, any dray, cart, cab, hack, or other vehicle whatever, with false numbers, or who shall have affixed the same number to two or more vehicles, shall pay a fine of not less than ten dollars, nor more than one hundred dollars, for each and every such offence.

ART. 167. [VII.] Whenever the number of any dray, cart, cab, hack or other carriage or vehicle, shall be erased or defaced by time or any other cause, so that it cannot be distinctly deciphered, the owner of such vehicle aforesaid shall have his number immediately reinstated; and in case of his neglect or refusing so to do, he thall pay a fine of not over twenty-five dollars for each and every contravention of this provision, or be imprisoned from seven to fourteen days.

See Sec. 30, Art. III, Title VI, of the Charter.

ART. 168. |VIII.| Any drayman, carter, or other driver, of any cart, dray, wagon, cab, hack, coach, or other carriage or vehicle whatever, public or private, or any person riding on horseback, who shall be guilty of running his horse or horses, mule or mules, through any of the streets of the city, or driving at any faster gait than a slow trot or pace, and any drayman who shall drive his dray when loaded, at a faster gait than a walk, shall be arrested and fined from five to twenty-five dollars, for each offence; and in default of payment, shall be imprisoned for a term of not less than seven nor more than fourteen days.

ART. 169. [IX.] It shall be the duty of all draymen, carters, coachmen, and all other drivers of drays, carts, hacks, wagons, cabs, or any other vehicle whatever, when meeting any other carriage or vehicle, or any person on horseback, to take to the right side of the street or road they may be in, until such carriage or vehicle, or person on horseback shall have passed, or until they have passed such vehicle or person; and any person failing so to do, or in any way contravening the provisions of this section, shall pay a fine of not less than five, nor more than twenty-five dollars.

ART. 170. [X.] If any accident or injury shall happen on account of any drayman, carter, coachman, horse or horses, mule or mules, dray, cart, wagon, coach, cab, hack, or any other vehicle whatever, while running, coming in contact with any person, it shall be the duty of such coachman, drayman, carter or other driver, to stop and render assistance, if necessary, and to give his name or that of his employer, and place of abode, and number of his carriage or vehicle; and in default thereof, he shall pay a fine of not less than ten, nor more than twenty-five dollars, or be imprisoned from ten to fourteen days.

ART. 171. [XI.] It shall not be lawful for any drayman, or any person, to drive or ride any horse, or cart or carriage, of any kind whatever, over the side-walk of any street, under a penalty of five dollars for each and every offence; and every drayman or other person who shall injure any side-walk by thus driving any horse, cart, dray or carriage over the same, shall be required to repair the damage done to the said side-walk, within twenty-four hours thereafter, on penalty of two dollars for each offence.

ART. 172. [XII.] Carters, draymen, &c., shall not, under any pretext whatever, when unemployed, refuse to transport merchandise and any other articles whatever, on payment of the legal dues, under penalty of a fine of five dollars for each and every contravention.

ART. 173. [XIII.] Each and every driver of a cart or dray shall, if required, take upon his cart or dray a full load, that is one hogshead of sugar or coffee, or, if required, four barrels of liquors or provisions, six barrels of flour, six sacks of salt, three hundred and thirty-three feet of lumber, (board measure,) one half cord of wood, or three bales of cotton; and no driver shall be required to take for a load, of any articles not enumerated, more than twelve hundred pounds.

ART. 174. [XIV.] Every driver of a cart or dray shall be entitled to demand and receive, before delivery of the load of the person who employs him, the following prices, to-wit: For every load not exceeding ten squares, fifty cents for every load, and in proportion for a greater distance.

ART. 175. [XV.] The prices to be charged by the owner or owners, driver or drivers of any hackney coach, carriage, or other vehicle for the conveyance of passengers, for hire within said city, shall be as follows, to be regulated and estimated by the distance on the most direct route, to-wit: For carrying a passenger to or from any place within the limits of said city, seventy-five cents, but in no instance shall any charge be made for children under five years old belonging to the family or party hiring said vehicle; for the use of any buggy, or other vehicle drawn by one horse or

other animal, by the hour, one dollar and fifty cents; for the use of any hack, or other vehicle drawn by two horses, per hour, two dollars; and double the above rates between the hours of nine o'clock P. M., and six o'clock A. M., may be charged. Every passenger shall be allowed to have conveyed upon such vehicle, without charge, his ordinary traveling baggage, not to exceed one trunk, and twenty-five pounds of other baggage. No owner or driver of any hackney coach, cab, carriage, coach or other vehicle, licensed as aforesaid, shall neglect or refuse to convey in said city, any person or persons, with or without baggage, when applied to for that purpose, or ask, take or extort, from any such person, a price or rate of fare for such conveyance, greater than is herein established, under a penalty of not less than ten nor more than one hundred dollars.

ART. 176. [XVI.] No owner or owners, or any other person having charge of any cart, dray, hackney coach, or any other carriage or vehicle, whether used for hire, burden or pleasure, shall stop or place such vehicles at or near the intersection of any street, lane or alley, in such a manner as to prevent foot passengers from passing such street, lane or alley; and any person who shall so place any such vehicle, as aforesaid, and shall not immediately, on the request of any foot passenger, cause the same to be removed, or shall absent himself so that the request cannot be immediately made andcomplied with, shall be liable to pay a fine of not more than one hundred dollars nor less than ten dollars, for each contravention. No person having in charge any coach, cab, omnibus, or other carriage or vehicle for the conveyance of passengers, luggage or baggage, shall, while waiting employment at any stand, wharf, railroad depot, or any other place whatever, be or remain more than six feet from the vehicle he has in charge; and no more than one driver shall be allowed to each hackney coach, omnibus or other vehicle, intended for the conveyance of passengers, unless it be persons belonging to the same establishment. No owner or driver of any cab, hackney coach, omnibus, cart, dray or any other vehicle, while waiting employment at any railroad depot, wharf, steamboat landing, or other public place in said city, shall unnecessarily snap, crack or flourish his whip, or use indecent or profane language, or be guilty of boisterous or loud talking, or any disorderly conduct, or vex or annoy travelers or citizens; and such owners and drivers are required to obey any and all rules and regulations adopted by any railroad company, or person, or association, for the promotion of order at any public landing, railroad depot, or other public place in said city, not inconsistent with the Ordinances of the city, and the Police regulations thereof.

As amended April 2, 1866.

Any person who shall violate any or either of the provisions of this section, or who shall fail or neglect to comply with its requirements, shall, on conviction, pay a fine of not less than ten nor more than one hundred dollars, and in the discretion of the Mayor forfeit his license.

ART. 177. [XVII.] All fines imposed by this Ordinance shall be recovered before the Mayor or Recorder for the use of the city.

CHAPTER XVIII.

HARBOR IMPROVEMENT BONDS.

ARTICLE 178. [I.] Be it ordained by the Mayor and Board of Aldermen of the City of Galveston, in council convened, That the Mayor of the City, and two members of the Council to be selected by the Mayor, and one person to be appointed by the President of the Galveston Wharf Company, and one person from the citizens of the city, to be selected by said four, shall constitute a Board of Harbor Improvement, and shall elect from themselves a President thereof, and the five shall constitute a quorum to do business.

Approved June 25, 1869.

See Art. XI, Title X, of the Charter.

ART. 179. [II.] The said Board shall be, and they are hereby empowered to employ, able assistance, Civil Engineers to examine and survey the harbor and the obstructions thereof, and report a plan of work, which, when adopted by the Board and approved by the Council, shall be at once acted upon.

ART. 180. [III.] For the purpose of being well advised, the said Board shall correspond with the officers of the United States Coast Survey and with the Board of United States Engineers, and procure from them maps of the latest survey of the harbor.

ART. 181. [IV.] When the plan of work has been adopted, the said Board of Harbor Improvements shall report the same to the Mayor of the City, who shall communicate the same to the Council for their approval.

ART. 182. [V.] The plan of work being approved by the Council, the President of the Board of Harbor Improvements shall file with the City Clerk estimates of the amounts of funds required to carry on the work for the month next ensuing, which estimate shall be examined by the Council, and, if approved, the sum asked shall be appropriated from the fund hereinafter provided.

ART. 183. [VI.] The said Board shall keep an accurate account of all expenditures made by them in the prosecution of the work, and file monthly with the Treasurer of the

City the account for the last month, and with proper vouchers; and also with the City Clerk estimates for each next ensuing month. All funds appropriated under this Ordinance, except the Interest and Sinking Fund, shall be drawn from the Treasury and deposited with the First National Bank of Galveston, and shall be paid out on the check of the President of the Board of Harbor Improvements.

ART. 184. [VII.] To provide a fund for the work herein before authorized, the Mayor of the City is hereby authorized to have engraved Harbor Improvement Bonds of the City of Galveston, with semi-annual interest coupons attached, at the rate of ten per cent. per annum, maturing on the first (1st.) of January and 1st of July each year—coupons payable in gold at the office of the Treasurer of the City of Galveston. The said bonds shall be drawn payable in lawful money to the bearer, at the office of the Treasurer of the City of Galveston, and maturing in eleven, twelve, thirteen, fourteen, fifteen and sixteen years; shall be signed by the Mayor, and counter-signed by the City Treasurer, with the seal of the corporation attached—not over thirty thousand dollars maturing in one year.

ART. 185. [VIII.] The bonds authorized by this Ordinance shall not exceed in the aggregate the sum of one hundred and eighty thousand dollars, and shall be issued from time to time in such sums as may be necessary to meet the estimates of the President of the Board of Harbor Improvement, and delivered to him, and he shall receipt for the same, and shall be sold by him in open market to the highest bidder, or at par on private application to the President of the Board.

ART. 186. [IX.] To provide for the interest as it falls due, and to create a Sinking Fund for the redemption of the bonds when due, or before maturity if advisable, there is hereby set apart and appropriated, as a special fund to be used for no other purpose, the income of the city from its six thousand two hundred and twenty-two shares of stock in the Galveston Wharf Company, until the principal and interest of the bonds hereby authorized is fully paid up and discharged.

ART. 187. [X.] The fund derived from the source above provided shall be a special deposit in the hands of the Treasurer of the City of Galveston for the purpose for which it was created, and shall be disbursable only in payment of the coupons of said Harbor Improvement Bonds, or for the purchase of gold to pay said gold coupons, or for the purchase of bonds, if the fund should accumulate as to make it advisable; and in that case the Mayor of the City

of Galveston shall give public notice of the amount of bonds to be purchased and invite proposals from holders; and on the redemption of a bond a draft may be drawn on the Treasurer for the amount necessary to redeem each bond purchased, which, when accompanied by the purchased bond, shall be paid by him from said fund; Provided, nevertheless, that no bond shall be purchased before maturity, unless the interest on the amount outstanding shall have been provided for one year in advance, after redeeming the bonds.

ART. 188. [XI.] The Treasurer of the City shall cancel all coupons paid by him, and twice in each year file in the office of the City Clerk a list of said coupons, with numbers, dates and amounts, clearly shown, and shall quarterly report the amount to the credit of this fund to the City Council.

ART. 189. [XII.] When the Treasurer of the City shall have sufficient of this fund in his hands to purchase gold sufficient to pay six months' interest, he shall report the same to the Finance Committee, and with their approval shall purchase the gold necessary, and credit said fund with the premium paid.

ART. 190. [XIII.]. The Board of Harbor Improvements shall receive no pay or commission for disbursing the funds entrusted to them, but they may employ a competent clerk to keep their accounts, and may allow him a reasonable salary out of said funds, and they shall each month report the progress made by them in the work; they may also appoint a capable superintendent to direct the work, and may pay him a reasonable salary.

CHAPTER XIX.

HARBOR AND HARBOR MASTER.

ARTICLE 191. [I.] No person shall bring into the harbor of the City of Galveston, nor shall leave there, the wreck of any ship or vessel, whereby such portion of the harbor may be occupied and the entrance or departure of any craft thereby be incommoded, under the penalty of twenty-five dollars for every such offence, and the further penalty of ten dollars for every day or part of day the wreck of said vessel or ship may continue there, after being duly notified to remove the same by the Harbor Master of the City of Galveston.

Approved Dec. 31, 1856.

See Sec. 50, Art. III, Title IV, of the Charter.

ART. 192. [II.] No person shall cast or deposit, or suffer to be cast or deposited, in the harbor of this city, any stone,

See Sec. 1, Art. III, Title IV, of the Charter.

gravel, earth, ashes or other like substances, or any filth, logs or like floating things, or create any obstruction therein, under the penalty of a fine of not exceeding one hundred dollars for each and every offence, and ten dollars for each and every day the same shall be suffered to remain therein.

ART. 193. [III.] Said Harbor Master shall have power to regulate and station all ships and other vessels in the harbor within the City of Galveston, and at the wharves thereof, and to remove from time to time all such ships or other vessels when deemed necessary to afford more general accommodation; but in placing any vessels at the wharves, or removing them from the wharves, the Harbor Master shall do so only at the request of the Superintendent of the Wharves, and as to the fact of its being necessary to remove said vessels, the Superintendents are hereby constituted the judges; and if any master, or other person having charge of said ship or other vessel, shall refuse or neglect to obey the directions of the Harbor Master in the execution of the duties of his office, such master or person having charge of said vessel or ship, or any other person whatsoever, shall be liable to a fine of not less than twenty nor more than one hundred dollars for each and every offence; to be recovered before the Mayor or other Court of competent jurisdiction.

ART. 194. [IV.] It shall be the duty of said Harbor Master to superintend and enforce the execution of all the By-Laws and Ordinances regulating the clearing of the docks and wharves, and to prevent and remove all nuisances on or about them; and if the person or persons whose duty it shall be to remove such nuisances, shall refuse or neglect to remove the same, within twenty-four hours after having been notified by the Harbor Master, such person or persons so refusing or neglecting shall forfeit and pay a fine of not less than three nor more than fifty dollars, (and shall be liable besides for all expenses incurred in the removal thereof,) to be sued for and recovered, for the use of the city, before the Mayor or Recorder, or any Court of competent jurisdiction.

ART. 195. [V.] No vessel shall be allowed to moor within a cable's length of any wharf. No vessel whatever, between the city and outer bar, shall throw over any stone or other ballast, below low-water mark, and in the harbor particularly. All ballast shall be landed fairly on the shore, and at the time of loading and discharging, care must be taken not to drop any part thereof overboard, nor shall any ballast be unloaded at night. No pitch, tar or other combustibles, shall be heated on board of any vessel, but must be done on stages and boats, removable in case of accidents.

ART. 196. [VI.] No vessel, lying in the stream, shall be permitted to have her boats towing astern, but they must be kept alongside or at the davits. All vessels, ships or other craft, shall be properly moored within twenty-four hours after their arrival.

ART. 197. [VII.] All vessels lying in the stream are to have their jib-booms rigged in, and yards topped, &c., and while lying alongside of the wharf on no account are the yards to be squared.

ART. 198. [VIII.] Any breach of either of the last four preceeding sections of this Ordinance shall, and does hereby subject the master of any ship, vessel or other craft, or any other person whatsoever so offending, to a fine of not less than five nor more than one hundred dollars for each offence or breach aforesaid, to be recovered before the Mayor or any Court of competent jurisdiction.

ART. 199. [III.] It shall not be lawful for any person or company to extend, or cause to be extended, any wharf leading to the channel in front of the city, beyond a depth of water of twelve feet at ordinary low tide, under a penalty of one hundred dollars for every day such obstruction shall remain, to be recovered as in cases of other fines, and a like penalty shall be imposed for the extending of any wharf now erected, or hereafter may be erected, a greater distance into the channel, when from any cause the water at the end thereof shall be reduced to a less depth than twelve feet; but in such cases it shall be the duty of the owner or owners of such wharf to cause the water in front of the same to be deepened, by removing the deposites from the bottom. Approved Jan. 8, 1857.

CHAPTER XX.

HOSPITAL.

ARTICLE 200. [I.] The Mayor shall be, and he is hereby invested with authority to cause any person, not being a resident of this city, who shall be, or shall be suspected of being sick, or infected with any infections or pestilential disease, to be sent to the City Hospital, or some other hospital or pest-house; and he shall also have authority to cause to be removed from the city, or destroyed, any furniture, wearing apparel or goods, wares and merchandise, or articles of property, which shall be, or be suspected of being tainted with pestilence, or which shall be likely to pass into such a state as to generate or propagate disease; and every person who shall be served with a copy of any order of the Mayor, under any of the powers conferred by this section, See Art. II, Title VIII, of the Charter.

certified by the City Clerk, and shall refuse or neglect to comply with the same, shall forfeit and pay a fine of not exceeding one hundred dollars for each and every offence.

As amended May 4, 1868.

As amended July 6, 1869.

ART. 201. [II.] The City Hospital shall be placed under the care and management of the Resident Physician, subject to the general supervision of the City Council; said Resident Physician shall examine and revise all requisitions made by the House Surgeon, as herein after provided, and shall order the same to be paid whenever they are satisfied that the same are correct. The said Resident Physician shall appoint a House Surgeon, at a monthly salary to be agreed upon, and to be approved by the City Council, who shall remain at the said Hospital and give a superintendence to the local affairs of the same, and see that everything needful is supplied, and for this purpose he shall make his estimates and draw his requisitions upon the Resident Physician for such necessary food, bedding, drugs and other supplies, as the Hospital may from time to time require. He shall keep a correct list of all patients admitted into the Hospital, by whose order, the days of their admittance and discharge, the nature of the disease, and the dates of the deaths of such as may die; and shall furnish monthly abstracts of said report to said Resident Physican. He shall be subject to be removed by said Resident Physician for good cause.

ART. 202. [III.] All Hospital fees and dues shall be paid into the City Treasury as a Hospital Fund, and the City Clerk shall keep a separate account of the same.

See Sec. 12, Art. III, Title IV, of the Charter.

ART. 203. [VII.] It shall not be lawful for any person to establish or keep any hospital, or other like place for the reception or accommodation of any sick or diseased persons, at any point within the corporate limits of the City of Galveston, between Ninth street and the Western boundary of the City; and any persons who shall violate the provisions of this section, shall be punished by a fine not exceeding one hundred dollars for each and every sick or diseased person received or accommodated in such hospital or other like place.

ART. 204. [VIII.] It shall be the duty of the Mayor on the complaint of any citizen, to cause any such sick or diseased person or persons, to be removed from any such unlawfully established hospital or other like place, to the City Hospital.

ART. 205. [IX.] The Physician in charge of the City Hospital shall at all times admit the Mayor of the City, or a Committee of the City Council, or any Alderman who shall be charged with the duty of visiting the City Hospital, and examining the condition thereof, and of the patients,

and of the treatment thereof; and any failure or refusal so to do, shall be deemed a violation of the contract of such Physician with the city.

ART. 205. [XI.] The Mayor may, in the exercise of a just and proper discretion, grant and issue permits for admission to the Hospital to such persons as to him may seem right and proper.

ART. 206. [I.] The Mayor and Physician in charge of the City Hospital, and all other city officers, are hereby strictly prohibited from receiving any more paupers or patients from the County of Galveston, until the said county shall settle up with the city for money already due, and give satisfactory guarantees for future payments. Approved April 3, 1871.

ART. 207. [I.] The Physican in charge of the City Hospital be, and he is hereby required, to set apart one of the Wards of the City Hospital for the special accommodation of persons suffering with diseases of the eye, throat and ear. Approved Aug. 10, 1871

ART. 208. [II.] The Mayor shall appoint, by and with the advice of a majority of this Council, a physician skilled in the treatment of these diseases, who shall have entire control of this Ward and of the patients treated therein; Provided, said physician shall receive no pay for his services.

CHAPTER XXI.

ON NUMBERING HOUSES.

ARTICLE 209. [I.] All houses or streets running North and South shall be numbered; commencing at Avenue A as the initial point, and numbering from thence North and South. There shall be fifty numbers assigned to each block of said streets, commencing with the numerical one (1), and all the even numbers shall be placed on the East side of the street, and all the odd numbers on the West side of each street. Approved June 10, 1867.

ART. 210. [II.] All houses on the Avenues of said city of Galveston running East and West, shall be in like manner numbered; commencing at Bath Avenue or Twenty-Fifth street as the initial point, and numbering from thence East and West. There shall be fifty numbers assigned to each block, commencing with the numerical one (1), and all the even numbers shall be placed on the North, and all the odd numbers on the South side of each Avenue.

CHAPTER XXII.

MARKETS.

See Sec. 10, and 22, and 23 Art. III, Title IV, of the Charter.

ARTICLE 211. [II.] All butchers' meat of every kind, that is to say fresh beef, veal, mutton, pork and the like, shall be brought to the present Markets, and such other Markets as may from time to time be established by the City Council, to be sold and disposed of, and every person who shall sell, expose, or offer for sale any of the above mentioned meats, in the streets or elsewhere than in the said Market or Markets, shall be subject to a fine not exceeding twenty dollars for each and every offence.

ART. 212. [III.] The Market shall not be opened for the sale of meats, vegetables, fish and other articles before the hour of 3 o'clock, A. M., in the summer, and 4 o'clock, A. M., in the winter; Provided, nothing herein contained shall prevent butchers from bringing their meat to Market and cutting up the same, before the hours above stated, nor of those engaged in vending fish, vegetables, &c., from bringing the same to Market before those hours.

ART. 213. [IV.] The stalls in the City Markets shall not, (without the permission of the City Council,) be used for sale of anything except butchers' meats, vegetables, fruits, fish, game, poultry and eggs. And any person violating the provisions of this section, shall incur a penalty of not exceeding twenty-five dollars for each and every offence.

ART. 214. [V.] The City Council shall annually in the month of July, appraise and fix the minimum price of the stalls and stands in the City Market, specifying the respective value of stalls for meat and vegetables, and the stalls and stands for fish, coffee, &c., and shall cause said appraisement to be entered on the journal of their proceedings, and it shall be the duty of the City Treasurer, on the first day of September, in each and every year, unless the same should happen to be on a Sunday, and in that case on the Saturday preceding, after having given at least ten days public notice by advertisement, to proceed to rent the said stands and stalls at public auction to the highest and best bidders therefor, over and above the minimum assessed and fixed upon by the City Council, for one year from the said first day of September, said lessees to pay at the time of renting, the said advance over and above the minimum value fixed by the said City Council, if any shall be bid, and one-fourth of the appraisement, and shall give bond, with good and sufficient security, to pay the remaining three-fourths of said sum, in three equal payments at the commencement of each succeeding quarter year. Hereafter, at the renting of stalls, the City Treasurer shall require the person who bids off a stall to pay ($25) twenty-five dollars to the Treas-

urer, to apply as part payment on said contract, and also to compel the bidder to comply with the terms of said contract, or said bidder shall forfeit the said twenty-five dollars to the city, and should any bidder fail to pay the above mentioned twenty-five dollars, the Treasurer shall immediately sell the stall again commencing with the next highest bidder.

ART. 215. [VI.] The City Treasurer shall also at the same time mentioned in the next and preceding section, and in pursuance of a like public notice by advertisement, offer at public auction to the lowest bidder, the cleaning and lighting of the Market house, for one year; the contractor being required to give bond in the sum of one hundred dollars, payable to the city by its corporate name, with condition for the faithful performance of the contract and undertaking.

ART. 216. [VII.] It shall not be lawful for any person to stop up or encumber the streets and passage ways in or about the Market with stands, tables, vehicles, or in any other manner except in those cases where the privilege to do so is granted and rented by the City Council, or by its authority, and every person offending against the provisions of this section shall incur a penalty of not exceeding twenty-five dollars for each and every offence.

ART. 217. [VIII.] It shall be unlawful for any person to injure, swing upon, or otherwise interfere with the ropes, tackle, or other articles belonging to the butchers or other persons in the City Market, and any persons offending against the provisions of this section, shall be punished by a fine of not exceeding ten dollars, or imprisonment in the common jail of not exceeding three days, at the discretion of the Recorder.

ART. 218. [IX.] It shall be unlawful for any person who shall occupy any of the stalls in the Market, or any other person to chop on any of the planks used for counters, and any person offending against the provisions of this section, shall be punished by a fine not exceeding ten dollars for each and every offence.

ART. 219. [X.] Every person who shall sell, or offer, or expose for sale in the Markets or elsewhere in the city, any unwholesome, stale, emaciated, blown, stuffed, tainted or measly meat, poultry or provisions of any kind, shall be punished by a fine not exceeding fifty dollars for each and every offence.

ART. 220. [I.]. The privilege be, and the same is hereby granted to any person or persons who cultivate or raise his, her or their own vegetables, or to any such person or persons who may kill game of any kind, or raise fowls of any kind, or to any such person or persons who may catch fish,

Approved Nov. 18, 1867.

to sell them in the streets in front of and South of the Second Ward Market, or in the street in front of or South of any other Market in the city, in his, her or their wagon, carriage, or other vehicle, or on tables ; Provided, the street shall not be so encumbered with wagons, carriages and tables, as to prevent the free passage of vehicles and persons on one side of the street. And provided, the Chief of Police shall have the right to regulate the position of such vehicles, tables and stands, and further provided, that any person or persons selling any of the articles, herein allowed to be sold, shall pay to the City Treasurer, for the use of the city, for each morning on which such person or persons shall sell the same, the sum of twenty-five cents.

ART. 221. [II.] Any actual raiser of vegetables who may have rented a stall in the vegetable market, who may be desirous to give up the same, and take advantage of this ordinance may do so.

ART. 222. [III.] The foregoing privilege is granted on the express condition that the parties taking advantage of the same, shall cease to occupy such street or streets for the sale of anything herein authorized to be sold, after the hour of eight (8) o'clock A. M. That nothing herein contained shall be construed so as to prohibit any of the parties herein enumerated from selling privately and to individuals, anything herein authorized to be sold, at any hour during the day by taking the same round in carts, wagons, carriages, in the hands, in baskets, or in wheel barrows.

Approved Nov. 1, 1869.

ART. 223. [I.] Whensoever the City Council sees proper to establish and grant a market privilege for the sale of fresh meat, in any part of the City Corporation, where the grantee furnishes the ground or lot, and house, each and every butcher, or any other person occupying such house for the sale of fresh meat, shall pay the sum of one hundred ($100) dollars per year, payable semi annually in advance; these markets to stand under the rules and regulations of the City; and whenever such house is occupied by two or more butchers or other persons doing a separate business, each of such persons shall pay the above named amount.

See Sec. 42, Chapter— on License Tax.

CHAPTER XXIII.

NUISANCES.

Approved Jan 8, 1857.

See Sec. 37, Art. III, Title IV, of the Charter.

ARTICLE 224. [I.] It shall not be lawful for the owner or occupanant of any lot or premises within the corporate limits of the city to have or use any place as a Privy, or Necessary House, in such lot or premises within three feet

of the next adjoining lot, or any street or alley; and that every Privy, or Necessary House, now erected and situated contrary to the foregoing provision, shall be immediately removed by the owner or occupant of the lot or premises on which the same is situated; and every person violating the provisions of this Section shall, upon conviction thereof, be subject to a fine of not exceeding twenty dollars for each offence.

ART. 225. [II.] It shall be the duty of every person owning or using a Privy, or Necessary House, to use and keep the same in such manner that it shall not be offensive to the public, or to any person residing in the vicinity; and for a violation of this Section, the offender shall, upon conviction, be subject to a fine of not more than ten dollars for each offence.

ART. 226. [III.] No tub, box, nor the contents of any vault, Privy, or Necessary House, within the city, shall be removed at any time between the first day of June and the first day of October, in any year, except with the permission of the Mayor, and in accordance with such directions as may be prescribed by the City Council, or Board of Health; and not at any other time of the year, except between the hours of eleven (11) o'clock at night and four o'clock in the morning; and any person offending against the provisions of this Section shall, upon conviction, be subject to a fine of not exceeding twenty-five dollars for each and every offence.

ART. 227. [IV.] It shall not be lawful for any person to throw, place, leave, or deposit, or to suffer, or permit, his or her servant, or any other person of his or her family, to throw, place, leave, or deposit, the carcass of any dead animal, or any carrion, putrid meat, fish, entrails, or other unwholesome substance, in any square, avenue, street, or lane, or upon any lot within the city, or upon any other ground within the limits thereof, except such ground, or place, as shall from time to time be designated by the Mayor for such purpose; and for every violation of this Section, the offender shall be subject, on conviction, to a fine of not more than twenty-five dollars for each and every offence.

See Sec. 51, Art. III, Title IV, of the Charter.

ART. 228. [V.] It shall be unlawful for any owner or occupant of any store, house, stable, or other tenement, or of any lot, yard, or enclosure, in this city, to permit any of the substances, or things, mentioned in the last preceding Section, to be or remain in or upon said house, store, stable, or other tenement, or lot, or enclosure, or between the same and the centre of the street adjoining, upon the penalty of not more than five dollars for each and every twenty-four hours during which the same shall be and remain thereon.

ART. 229. [VI.] Every owner or keeper of any animal, which may die within the limits of the city, shall forthwith remove, or cause to be removed, the dead carcass thereof to the place designated by the Mayor for such purpose, and there bury the same, or cause it to be done, at his or her own expense; and for refusal or failure to comply with the provisions of this Section, each owner or keeper shall be subject to a fine of not exceeding ten dollars.

ART. 230. [VII.] Every person who shall discharge from his house, factory; or lot, into any avenue, street, or alley, in the limits of the city, any noisome or offensive liquid, or substance, prejudicial to the health of persons residing in or near such avenue, street, or alley, and every person keeping on his premises any hides, whether green or dry skins, or peltries, or any animal or vegetable matter that is generally offensive to the persons residing in the neighborhood, or deemed prejudicial to the health thereof, shall, for each and every offence, be subject, on conviction, to a fine of not exceeding fifty dollars.

See Sec. 38 Art. III, Title IV, of the Charter.

ART. 231. [VIII.] No steam-boiler manufactory, machine shop, foundry, factory, brewery, distillery, soap factory, butchery, or sausage-making establishment, or any other establishment of similar kind whatever, shall be erected, or continued in operation, within the corporate limits of the city, which shall, in the opinion of the City Council, be deemed a nuisance to the public, or to any person or persons residing within the vicinity thereof, under a penalty to be inflicted upon the owner or occupier of such establishment, of not exceeding one hundred dollars per day for each and every day the said nuisance shall be continued after he or they shall be notified by the Mayor to discontinue or remove the same.

ART. 232. [IX.] Every owner, occupier, or lessee, of a Wharf, shall keep the docks or slips to the distance of thirty feet on either side of said wharf, from end to end, clear of logs, timber, bushes, sea weed, and every species of filth or obstruction whatever; and every owner, lessee, or occupier, of any wharf, within the limits of the City of Galveston, who shall fail or refuse to keep the docks free of all filth and obstructions aforesaid, he, she, or they shall, for every violation of the provisions of this Section, be subject to a fine of twenty dollars for each and every week he, she, or they shall continue to violate the same, by refusing or neglecting to clear the said docks or slips.

See Sec. 41, Art III, Title IV, of the Charter

ART. 233. [X.] Any vessel, boat, barge, or other water craft, which may be lying at or about the wharves or docks of this city, which may at any time contain stagnant water, or be in any impure or unwholesome condition, shall be, and

is hereby declared, a public nuisance, and that the owner, master, agent, or consignee, on being notified to that effect, shall immediately remove the said vessel, barge, boat, or other water craft, to such place as may be designated by the Mayor, there to be cleaned and purified. before the same shall again be suffered to be brought to the wharves and docks aforesaid; and in case the said owner, master, agent, or consignee, shall refuse or neglect to remove any such vessel, boat, barge, or other water craft, being thereunto required, as aforesaid, and within the time allowed therefor, he or she shall be liable to a fine of not more than twenty dollars for each and every twenty-four hours the same shall remain after the expiration of the time limited for the removal thereof; and the said refusal or neglect being continued for forty-eight hours, it may and shall be lawful for the Mayor, and it is hereby made his duty, to cause the same to be removed, at the charge expense and risk of the said owner, master, or consignee, of said vessel, the cost whereof being ascertained, shall be recovered by suit or action in any court of competent jurisdiction, in the corporate name of the city, against such owner, master, or consignee, as aforesaid.

See Art. II, Title VIII, of the Charter.

ART. 234. [XI.] The Mayor of the city is hereby authorized to prevent and prohibit the introduction within the limits of the city, of any hides, peltry, coffee, suet, provisions, or any infected articles, which, in the judgment of the Physicians appointed by the Mayor to examine the same, may endanger the health of the city; and any person or persons willingly or knowingly introducing into the city any of the said articles, contrary to the prohibition aforesaid, shall forfeit and pay for each such offence, a sum not exceeding fifty dollars; and all such articles, whenever found within the limits of the city, and adjudged by the Physicians aforesaid to endanger the health of the city, shall be immediately removed without the limits of the city.

ART. 235. [XII.] The fines, penalties, and forfeitures, contemplated and provided by the preceding Sections of this Chapter, shall be recoverable before the Recorder, or any Court of competent jurisdiction.

ART. 236. [I.] It shall not be lawful for any person to skin any dead animal that may die within the limits of the corporation, or may drift on shore, without immediately burying, or in some other way destroying the carcass; and any person so offending, shall be fined in a sum of not less than ten dollars for each offence, to be recovered as for breach of other Ordinances.

Passed May 3, 1858.

CHAPTER XXIV.

COMPENSATION OF OFFICERS.

Approved June 5, 1871.

See Art. 31, Title X, of the Charter.

ART. 237. [I.] The following named officers shall receive compensation for services for the balance of the current municipal year, at the rate hereinafter named, and the same shall be payable in monthly payments. The Chief of Police shall receive compensation at the rate of twenty-five hun dred dollars ($2500) per annum. The Superintendent of Streets shall receive compensation at the rate of twenty-five hundred dollars per annum, ($2500) per annum. The Recorder shall receive compensation at the rate of eighteeen hundred dollars ($1800) per annum. The Harbor Master shall receive compensation at the rate of twelve hundred dollars ($1200) per annum.

See Art. 12, Title III, of the Charter.

ART. 238. [II.] The Assessor shall receive compensation for his services at the rate of one and one-half per cent. (1½) per cent. on the amount of taxes assessed, to be due and payable on the approval of his accounts.

ART. 239. [III.] The Chief of Police shall give bond and security in the sum of six thousand dollars ($6000), to be approved by the Mayor, and financial and revenue committee.

See Art. X, Title III, of the Charter.

The City Clerk shall receive compensation at the rate of twenty-five hundred dollars ($2500) per annum.

The City Surveyor shall receive compensation at the rate of twelve hundred dollars per annum.

See Art. 11, Title III, of the Charter

The City Treasurer shall receive compensation at the rate of one thousand ($1000) per annum.

See Art. 12, Title III, of the Charter.

The City Collector shall receive compensation at the rate of one and one-half per cent. (1½) on the amount of collection.

The Mayor shall receive compensation at the rate of four thousand ($4000) dollars per annum, for year commencing June 1st, 1871.

Aldermen shall receive compensation at the rate of seven dollars per meeting attended, for year commencing June 1st, 1871.

See Art. 21, Title X, of the Charter.

ART. 240. [IV.] The City Sexton shall receive compensation as follows, to-wit: For digging the grave and completing the burial of each person, three dollars, to be paid by the person ordering the grave to be dug, provided, that where persons are buried at the expense of the City, only two dollars shall be charged. For each weekly return of burials made by him to the City Clerk, he shall be paid fifty cents.

ART. 241. [V.] The following named officers shall receive compensation as follows, to-wit: The Deputy Chief of Police, one hundred and twenty-five dollars per month.

The Sergeant of Police, one hundred and ten dollars per month.

Patrolmen, ninety dollars per month.

Detectives one hundred dollars per month.

Chief of Fire Department, eight hundred dollars per annum.

Fire Engineers, one hundred dollars per month.

Stokers, eighty dollars per month.

Engine House keepers, fifteen dollars per month.

Hospital Physician, three hundred dollars per month.

Health Physician, one hundred and fifty dollars per month.

Health Inspectors, one hundred dollars each per month.

CHAPTER XXV.

ORDINANCES.

Approved Dec. 11, 1856. Amended by Charter, Art. X, Title X.

ARTICLE 242. [I.] The enacting clause of all Ordinances hereafter passed by the City Council shall be at the commencement of the first section, and shall be in form following, that is to say; "Be it ordained by the City Council," and the succeeding sections shall simply be numbered, and the matter thereof commence thus: "Sec.—" "That, &c.," omiting the usual formula, "Be it further ordained." And the same rule shall apply to resolutions having the force and effect of Ordinances, substituting the word "resolved" for "ordained" and subsequent clauses or sections shall be simply numbered, ordinary resolutions for the dispatch of business may commence with the simple form of "Resolved, That, &c."

ART. 243. [III.] No Ordinances shall be repealed by any general terms, such as "coming in conflict with," "within the purview of" any subsequent Ordinance, but in all cases the Oordinance or section of an Ordinance intended to be repealed, shall be specifically mentioned, and distinguished by the title and date of the same, and the number of the section.

ART. 244. [IV.] No Ordinance shall be amended by reference to its title and date, and the number of the section, or by reference to the subject matter only, but the particular section or sections designed to be amended, shall be re-ordained at length incorporating the amendments.

ART. 245. [V.] No Ordinance or Resolution which has been repealed shall be revived by implication, that is to say, if an Ordinance or Resolution be passed, repealing a former Ordinance or Resolution, the repeal of the second or repeal-

ing Ordinance or Resolution, shall in no case be construed to revive the first, unless there be express words in the last Ordinance or Resolution for this purpose.

ART. 246. [VI.] Words used in Ordinances or Resolutions in the past or present tense, shall also include the future; the masculine gender shall include the feminine and neuter; the singular number shall include the plural, and the plural the singular. The word person includes a corporation as well as a natural person; the term "writing" includes printing, or printed paper, or partly written, or partly printed. The term Council of itself, means the City Council, and words descriptive of acts, duties, and officers in general, refer to such acts, duties, or officers within or of the City of Galveston.

ART. 247. [I.] All Ordinances of the City of Galveston heretofore passed, shall be revised and digested, codified and printed in pamphlet form, for distribution among the officers of the city, and for sale.

Approved Nov. 17, 1871.

ART. 248. [II.] The Mayor shall, by and with the advice and consent of the the Council, appoint a competent person to make said revision and digest under the supervision of the Attorney for the city; and the person so appointed and performing said work, shall receive a salary, while engaged therein, of two hundred and fifty dollars per month, not to exceed two months.

See Art. VIII, Title X, of the Charter.

ART. 249. [III.] The plan of said digest shall be alphabetical, and separate chapters for each subject, and shall have a marginal reference for the date of passage and approval of each Ordinance in force passed on any one subject.

ART. 250. [IV.] Each chapter as prepared by the compiler, shall be submitted to the next regnlar meeting of the Council after the same is finished, for the action of the Council thereon, and on approval by the Council, shall be printed in book form; and when the digest is finished, the whole work shall be bound in boards neatly, and deposited with the City Clerk for distribution. Each officer shall receipt for a copy when delivered to him, and shall retnrn the same to the Clerk when said officer shall vacate his office, by expiration of term, removal or otherwise.

ART. 251. [V.[The necessary stationery for the prosecution of the work authorized by this Ordinance, shall be furnished to the compiler, by the City Clerk, on his requisition, and shall be paid for out of any existing appropriations for stationery.

CHAPTER XXVI.

CONCERNING PETROLEUM OIL AND INFLAMMABLE COMMODITIES.

ARTTICLE 252. [1.] It shall be unlawful, except as provided for in this ordinance, for any person or persons, in his or their own right, or in behalf of another, to store, or keep for manufacture, refine or mix, or to cause, permit or suffer to be stored or kept, manufactured, refined or mixed, within the corporate limits of the city of Galveston, in any warehouse, building, tenement, or in any yard or street, or on the sidewalks thereof, or in any one locality in said city, in a quantity exceeding four barrels, or twenty cans of five gallons each, any camphene, dangerous, inflamable or burning fluid, or any product by distillation of coal, petroleum or rock oil, asphaltum or shale of peat, known under the various names of naptha, kerosene, benzine or benzole, or any inflammable oils of any kind or nature whatsoever. Approved Dec. 5, 1871.

ART. 253. [II.] Any person or persons, desiring to store or keep for sale, or otherwise, or to manufacture, refine or mix, in any one locality within the corporate limits of the city, any of the fluids, products, oils, or any of the other commodities or articles mentioned and set forth in the first section of this ordinance in a quantity exceeding two barrels, or forty gallons, shall cause the building, premises or locality in which said fluids, products, oils or other commodities or articles are designated to be stored, kept, sold, manufactured, refined, mixed or otherwise used or disposed of, to be actually surveyed and inspected by the Chief Engineer of the Fire Department, and shall obtain from such inspecting officer his certificate to the effect that the building, premises or locality, by him actually inspected and specifically described in the certificate, has and contains suitable iron tanks, levees, excavations, or earth embankments, to prevent the overflow or escape of any of the fluids, products, oils, or commodities referred to in this ordinance, and that the contemplated use of the inspected premises will not endanger the ajoining or other premises, in the event of accident or fire. See Secs. 4 and 6, Art. II, Title VII, of the Charter.

ART. 254. [III.] Certificate of survey and inspection referred to in the second section of this ordinance, shall be returned to the Mayor; and upon his approval thereof, the Mayor is hereby authorized to issue a certificate, in which shall be expressed the name of the person or persons to whom the said certificate is granted, and whether he or they are permited to store and keep for sale, or otherwise, or to manufacture, refine or mix any of the articles or commodi-

ties embraced by this ordinance, or all of them, or both, together with a description of the locality, building or part of the specified building; and in said certificate shall also be expressed any limitation upon the quantity of such articles, or any of them, which may be stored, kept, manufactured, refined or mixed, and upon the manner of manufac turing, refining, mixing, storing, or keeping the same, which the Mayor may in any case see fit to impose; and any person so licensed may store or keep, or manufacture, refine or mix said articles, or any of them, within the terms of his certificate, either on his own account or on the account of any other person.

ART. 255. [IV.] Every person or persons, holding the certificate aforesaid shall be compelled to have the same hung in some open and convenient spot, at the place where the business covered by the said certificate is carried on, so that the same may at any time during business hours be seen and inspected; and every person holding such certificate shall permit any member of the police force, the Chief Engineer of the Fire Department, or any person or persons designated by the Mayor, to enter the premises described in the certificate and make such examination, and take such samples as may be deemed expedient by such party.

ART. 256. [V.] No cerificate shall be granted for manufacturing, refining, mixing, storing or keeping said articles, or any of them, upon any alley, street, sidewalk or wharf, within the corporate limits of the city, nor in any part of a building occupied in whole or in part as a dwelling house, nor upon the floor of any building above the first floor.

ART. 257. [VI.] Any and every person, who shall be guilty of a violation of this ordinance, shall be subject to the payment of a fine, not to exceed one hundred dollars for each and every contravention, and to imprisonment for a period not to exceed one month.

ART. 258. [VII.] And every such person who shall be guilty of a violation of this ordinance, as hereinbefore set forth, and shall continue in such contravention for four and twenty hours, shall be considered as guilty of a further violation of the ordinance, and shall be subject to the payment of a fine and punishment, hereinabove set forth, for each and every twenty-four hours during which the ordinance is violated or contravened.

CHAPTER XXVII.

POLICE REGULATIONS.

ARTICLE 259. [V.] It shall be the duty of the Policemen of the City to be obedient to the orders and directions of the Mayor, communicated to them through the Chief of Police, or in person, or delivered in writing, and to keep a faithful watch and ward in the Districts which may be assigned them; and it shall further be the duty of each of them, upon the discovery of fire, to give the alarm thereof immediately, and to ring the alarm bell at the Market House; and it shall further be the duty of said Policemen, and each and every one of them, to apprehend and detain all offenders against the peace, and all persons who may obstruct and endanger them, or any of them, in the execution of their office, or who shall be guilty of any disorderly conduct, or shall be engaged in any riots, unlawful assemblage, outcries, noises, or other disturbances whatsoever, or who shall aid, abet, or assist others in the commission of either of said offences; and for this purpose the said Policemen, and either of them, are authorized to enter any dwelling-house, store, grocery, or other building, where any person may take refuge, or be, who have, during the night, in their presence, or hearing, committed any felony, or breach of the peace, or where any felony or breach of the peace is about to be committed, or where any noise, or alarm, outcry, or disturbance shall be made in like manner, as the Mayor, Aldermen, Policemen, Constables, and other Peace Officers, are authorized by law. Approved Oct. 8, 1856. See Sec. 28, Art. III, Title IV, of the Charter.

ART. 260. [I.] It shall be unlawful for any person or persons to obstruct, prevent, or interfere with, or to attempt to obstruct, prevent, or interfere with, the Chief of Police, or other Police Officer, in the lawful discharge of his duty, within the limits of the City of Galveston; and any person or persons convicted of so offending, shall be fined in a sum of not exceeding one hundred dollars, and not less than ten dollars, for each and every offence, to be recovered before the Mayor or Recorder of said city, and shall also be liable to a further penalty of not exceeding fifteen days imprisonment. Approved July 23, 1866.

ART. 261. [IV.] The Chief of Police shall assign to each Policeman his round and duty, and may order any of them to render service in any Ward wherever, in his opinion, the occasion shall require it; he shall report monthly to the Council the time actually served by each Policeman, the time absent, and such other information as he deems proper, or as may from time to time be required by the Council. He shall also see that the Policeman are provided with the proper arms and equipments, which the emergency shall require, Approved Jan. 8, 1857.

and that they perform their duties, and shall report every failure promptly to the Mayor, whose orders as to Police service, he shall, as far as practicable, cause to be faithfully executed.

Approved Oct. 18, 1869.

ART. 262. [I.] Whenever any penalty or fine is imposed for a violation of an Ordinance in this city, it shall be the duty of the Chief of Police to cause the same to be enforced.

Approved Nov. 7, 1871.

ART. 263. [I.] It shall be unlawful for any person, or resident of Galveston, to make use of or blow a whistle similar to that used by the City Police, (with a pea in the end of it,) and that any person or persons caught in the act, shall be fined not less than five dollars ($5) nor more than one hundred dollars ($100).

CHAPTER XXVIII.

PORT WARDENS.

ARTICLE 264. [I.] The Mayor, with the approval of a majority of the City Council, at their first annual meeting, or as soon thereafter as possible, shall appoint two Port Wardens, who shall hold their offices for one year, and until their successors shall have qualified.

Approved Jan. 8, 1857.

ART. 265. [I.] The Port Wardens shall, before they enter upon their duties, take and subscribe to an oath, before the Mayor, or any Justice of the Peace, resident in the city, well and truly, and faithfully, to perform and discharge the duties of their office, to the best of their several and respective skill and abilities.

ART. 266. [II.] It shall be the duty of the Port Wardens of this Port to attend promptly to all cases of surveys of vessels in distress, wrecked, or partially wrecked, to survey hatches, storage, vessels partially or wholly wrecked, and for the security of the parties concerned, to make return to the office of the Port Wardens of all such surveys, estimates of damage, estimates of the cost of repairs, and of all matters pertinent to the subject, needful to protect the rights of all parties in interest, that a record of the same may be made.

ART. 267. [III.] To discountenance the practice of many Ship Masters of breaking bulk after the arrival at this port, from a foreign port, without calling a Port Warden's survey of hatches, it shall be the duty of Port Wardens to refuse to survey the storage of goods found damaged on the voyage of importation on board of any such ship or vessel, which shall have broken bulk without having previously called a Port Warden for a survey of hatches.

ART. 268. [IV.] For the services of Port Wardens, the following sums may be charged and collected to their use, and which shall be divided equally between them, to-wit: For a hatch survey, including storage survey on goods at the same visit, five dollars; for storage survey on goods for each visit, when called upon by the Master or Agent of a vessel, two dollars; for a ship survey, over all above water, ten dollars; for a hull survey, after heaving out, ten dollars; for estimate of damage, and the cost of repairs, and for original copies in duplicate thereof, Notarial fees for writing instruments, to-wit: twenty-five cents for every hundred words; for every second copy of papers, fifty cents for every page of writing certified.

ART. 269. [V.] In all cases of ship or hull surveys, and of surveys of goods exceeding five packages, both Port Wardens shall give their personal attendance; and upon all surveys out of the limits of the City of Galveston, the expenses of travel in going to and returning from the place, actually paid, may be charged for.

ART. 270. [VI.] For all abuses of power and authority, and for all misconduct in the discharge of the duties of the office, the said Port Wardens, or either of them, upon complaint made, shall be liable to be punished by removal from office.

CHAPTER XXIX.

PRACTICE.

ARTICLE 271. [II.] Proceedings before the Recorder for violations of the city ordinances or laws, shall be instituted or commenced by filing of a written complaint specifying the charge made against the person accused, with reasonable certainty; which information or complaint shall be sworn to, unless the same be made and presented by an officer of the city government, in which case it need only be in writing.

Approved Jan. 8, 1857.

ART. 272. [III.] The appearance of the person accused to answer said charge shall be coerced by a summons, or a warrant of arrest, as in the opinion of the Recorder the exigency of the public service may require; which process shall be executed by a Policeman of said city, in like manner as process from a Justices court, provided, however, that nothing herein shall be so construed as to prevent any Policeman of the city making arrest without process for any breach of the city laws committed in his presence and view; or in any of the contingences in which a Sheriff, Coroner, or other executive officer of the State would by the laws of the State be justified in so doing.

See Art. VII, Title III, of the Charter.

See Article VIII, Title III of the Charter.

See Art. X, Title III, of the Charter.

ART. 273. [IV.] The City Clerk shall keep a docket in which he shall enter all informations and complaints made before the Recorder for infractions of the city ordinances, entering the substance thereof and the time when made, or filed, the process issued thereon, when the same is returnable, and the return thereof, and he shall also enter the time of the trial of such information or complaint, and the judgment of the Recorder thereon.

ART. 274. [V.] Process to compel the appearance of witnesses shall be issued by the Recorder upon the application of the complainant or informant, or of the person charged, in the same manner as like processes on trials before Justices of the Peace, which process shall be served by a Policeman, or by the parties who shall apply therefor, provided that returns of service when made by persons other than the Policeman shall be under oath.

ART. 275. [VI.] Upon all trials of such complaints or informations before the Recorder, if either party, that is to say, the complainant or informant on the one side, or the person accused or charged upon the other, shall demand a trial by jury, it shall be the duty of the Recorder to issue his writ to a Policeman to summon a jury conforming in all things, as well with respect to the qualifications of the persons selected to act as jurors, as the summoning and empanneling and the compensation of such jurors, to the statutes of the State of Texas regulating juries in the courts of the Justices of the Peace.

ART. 276. [VII.] All sums of money specifically named and mentioned in each and every ordinance of the city, as the fine or penalty to be imposed for a violation of the provisions thereof respectively shall be held, deemed and taken to be the maximum or highest and largest penalty to be imposed for a violation of any such ordinance, and that the Recorder or other judicial officer, in enforcing any of the said ordinances, in the exercise of a sound discretion, may discriminate in the infliction of said penalty, according to the circumstances of each particular case, and impose a sum as punishment upon the person convicted; provided, always, that no fine or pecuniary penalty imposed, shall be less than one dollar, which is hereby declared to be the minimum in all cases.

See Art. XII Title X, of the Charter. As amended Oct. 8, 1867.

ART. 277. [VIII.] In all cases the entire amount of the fine imposed for any violation of the city ordinances, shall be paid into the city Treasury for the use of the city, except fines and penalties designated in Art. VI, Title VII of, the Charter.

ART. 278. [IX.] The Recorder shall be, and is hereby authorized in exercise of a sound discretion, to remit entirely and absolutely any pecuniary or other penalty, or he may respite the collection or infliction thereof, until the next meeting of the Board of Aldermen, when he shall report the case together with the alleviating circumstances thereof for the action of the Board.

ART. 279. [XI.] Whenever a fine or other pecuniary penalty shall be imposed on any person for a violation of the city ordinances, the Recorder in the exercise of his discretion may order the person convicted thereof into the custody of the Chief of Police to be by him imprisoned for the space of fifteen days unless the fine and all costs be sooner paid; or he may issue an execution directed to the Chief of Police, commanding him, of the property of the defendant, by levy, distress and sale thereof, to make the amount of said fine or penalty and all costs, but if no such property can be found, then that the said Chief of Police shall arrest, seize and take into his custody the body of the said person, and him imprison in the county jail within the city for the space of fifteen days, unless the said fine or penalty and all costs be paid before the expiration of said period of time.

As amended July 5, 1857.

See Sec. 53, Art. III, Title IV, of the Charter

CHAPTER XXX.

PUBLIC PEACE.

ARTICLE 280. [I.] It shall be the duty of every keeper of a Coffee-House, Restaurant, Grog-Shop, or Tippling-House, the proprietor or keeper of all Billiard Tables, Nine or Ten-Pin Alleys, and of every other person or persons keeping a Public House, to preserve good order within the same, and to prevent all persons who may be therein from disturbing the peace and tranquility of the neighborhood by cries, vociferation, songs, or any noise or disturbance whatever; and every person keeping any of the above enumerated houses, who shall permit or tolerate such disorder within his or her house, shall be subject to a fine of not exceeding twenty-five dollars; and in every case where, from repetition of such disorders, noises, or disturbances, such house may be considered, in the opinion of the Mayor, an ill-governed and disorderly house, and tending to the disturbance of the public peace and tranquility of the neighborhood, the Mayor may, upon complaint, revoke any license which may have been issued to the keeper thereof; and if such person be aggrieved by the action of the Mayor in the premises, he may appeal to the City Council.

Approved Jan. 8, 1857.

See Sec. 19, Art. III, Title IV, of the Charter.

See Sec. 1, Art. VIII, Title III, of the Charter.

ART. 281. [II.] It shall be the duty of the Chief of Police, and other officers and members of the City Police, to enter each and every coffee-house, grog-shop, tippling-house, taverns, inns, or any other public house within the limits of the city, in order to take cognizance of all offences and disorders committed therein, and to report the same to the Mayor, giving him information of all such offences and disorders committed therein, which may come or fall under his knowledge; and the Chief of Police shall have power, whenever any disorderly conduct, or disturbance of the public peace or tranquility shall be permitted or allowed in any of the houses or places referred to in this or the preceding Section, in the night time, to close such house or houses for the night.

ART. 282. [III.] Any person who shall be guilty of fighting, quarreling, or any riotous or disorderly conduct in the streets, houses, or elsewhere, within the limits of said city, or shall be guilty of abusing, provoking or disturbing, either by words or action, any person or persons, going or walking in any street, road, or public way, or elsewhere, or shall show or expose in public any sign, writing, drawing, print, caricature, statue, or other object, which may excite scandal, or disturb the public peace, or shall break down, disturb, injure, or carry away any fence, or any part thereof, or the steps, or the doors of houses, (without being authorized by the owner,) or shall deface, break, or carry away any sign board, or plate, indicating the occupation or business of any person, he, she or they so offending against any of the provisions of said Ordinance, herein before mentioned, shall, for each and every offence, be subject to a fine of not less than one dollar, nor more than one hundred, to be recovered before the Recorder, or any court of competent jurisdiction; and such person so offending, shall moreover be liable to be required to give a bond for his, her or their good behavior, and to keep the peace for a term of not less than twelve months; Provided, the bond so required shall not be less than two hundred dollars, nor more than five hundred dollars.

ART. 283. [IV.] If any person or persons shall insult, disturb, or molest any religious meeting assembled for worship, or any other meeting assembled for any other purpose, connected with religious, benevolent, educational, or other like lawful purpose, by any riotous or disorderly conduct, in or near the place where such meeting is being held, by any noise, tumult, loud cries, vociferation, blowing of horns, singing, or making any other noise or disturbance whatever, with the intent or purpose to interrupt, harrass, vex, annoy, or interfere, with such meeting, he or they so offending, shall

See Sec. 29, Art. III, Title IV, of the Charter.

be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding fifteen days, or by both fine and imprisonment, at the discretion of the Recorder; and it is hereby made the duty of the Chief of Police, and of every other executive officer of the City Police, upon view of the commission of any offence, provided against in this Section, to arrest the offender or offenders, and take him or them before the Recorder, and enter the complaint against them; Provided, that all complaints for violation of this Section be made within thirty days after the commission of the offence.

ART. 284. [VI.] If any person or persons shall play at any tavern, inn, store house, house for retailing liquors, or any other public house, or in any street, or in any other public place, or in any outhouse, where people resort, within the limits of the City of Galveston, at any game, or games, with cards, or dice, for money, or other valuable consideration, such person or persons so playing, shall be deemed guilty of a misdemeanor, and for each and every such offence, on conviction thereof, before the Recorder of said city, shall be subject to a fine of not less than one dollar, nor more than one hundred dollars.

ART. 285. [VII.] If any person or persons shall hereafter be guilty of keeping or exhibiting any gaming-table, called A, B, C, or E, D, or routelle, rowley-powley, or rouge et noir, or shall keep or exhibit any other gaming table, or bank, of the like kind, or of any other description, under any other name or denomination, or without any name therefor, or shall be in any manner interested or concerned in keeping, exhibiting or carrying on any such table, bank or game at any place whatsoever, within the limits of said city, each and every person so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof, for each and every such offence, shall be fined in a sum not less than fifty dollars, nor more than one hundred dollars, to be recoverable before the Recorder or any court of competent jurisdiction.

ART. 286. [VIII.] If any person or persons shall be concerned in betting at any of the gaming tables, bank or banks, in the last Section of this Ordinance, enumerated, such person or persons so offending, for each and every such offence, on conviction thereof, before the Recorder of said city, or any court of competent jurisdiction, shall be fined in a sum of not less than ten, nor more than one hundred dollars.

ART. 287. [IX.] All vagrants, idle or disorderly persons, all persons of evil life, or ill-fame, all such persons as have no visible means of support, or are likely to become chargeable to the city as paupers, all persons who may be found begging, or drunk, in and about the streets, or loiter-

See Sec. 31, Art. III, Title IV, of the Charter.

ing in and about tippling-houses, and who can show no reasonable course of business in the city, all who have no fixed place of residence, but who are found strolling and wandering about, all who are grossly indecent in language or behavior publicly in the streets, all public prostitutes, or such as lead a notorious, lewd, or lascivious course of life, shall be deemed and considered offenders against the peace and good order of the city; and it shall be the duty of the Chief of Police, and all other Police Officers of the city, to arrest all such persons as aforesaid, and take and carry them before the Recorder for examination; and if, upon examination, the person or persons so arrested, shall be found to be obnoxious to the provisions of this Section, it shall be the duty of the Recorder to require security from all such persons, to keep the peace, and be of good behavior, for a reasonable time, not exceeding twelve calendar months; and, moreover, to indemnify the said city against any charge for his, her or their support; and in case of refusal or inability to give such security, the person or persons so refusing, or found unable, shall be committed to some place of confinement for a limited time, not exceeding fifteen days, according to the nature of the offence, unless the security required be sooner given; Provided, that the security required shall, in no case, exceed five hundred dollars.

ART. 288. [X.] That the Recorder shall appoint the Chief of Police, or some other suitable or competent person or persons, keepers of the persons committed to custody under the provisions of the preceding section, whose duty it shall be to take the persons so confined from the place of confinement, and put them to labor in such place and manner as the City Council may direct, for the benefit of the city. Provided, that the said prisoners shall be daily returned from their labor to the place of confinement at or before sundown, and provided also that the Chief of Police or other keeper or keepers of the said prisoners, shall furnish them with a sufficient supply of good and wholesome provisions at the charge and expense of the city.

See Sec. 46, Art. III, Title IV. of the Charter.

ART. 289. [XI.] It shall be unlawful for any person or persons to keep a bawdy house or house of ill-fame, or any house which persons may frequent for the purpose of prostitution, anywhere within that portion of the city situated and included between Seventh and Thirty-first streets, and Avenues A and M, and any and every person offending against the provisions of this section shall, on conviction thereof, be fined in the sum of not exceeding one hundred dollars, and if the same be not paid, shall be imprisoned for fifteen days.

ART. 290. [XII.] Any person or persons who shall rent or hire any house, tenement, or premises to be used as a bawdy house, assignation house, or for the purposes of prostitution, or shall rent any house, tenement, or premises to a prostitute, bawd, or person of ill-fame, or generally known to be of such character, shall on conviction thereof, be fined in a sum of not exceeding one hundred dollars for each and every offence.

ART. 291. [XIV.] No person or persons shall be permitted to give a public ball or keep a dance house within the city of Galveston, unless he, she or they shall first obtain from the Mayor a permit; and any person or persons who shall give any such public ball or keep a dance house without first having so obtained a permit for that purpose, shall be liable to pay a fine of not less than ten, nor more than fifty dollars, provided, however, that no permit shall be given for more than one ball, and shall also specify the time and place of holding the same.

ART. 292. [XV.] It shall be the duty of any person or persons keeping any public dance house, or giving any public ball, to have the Chief of Police, or two Policemen designated by him, in attendance at all such balls or dances for the purpose of enforcing order, for which service the said Policeman in attendance shall be authorized to receive from the proprietors thereof the sum of five dollars each, and any person or persons failing to comply with the provisions of this section, unless as hereinafter provided, shall be fined in a sum of not less than ten, nor more than fifty dollars for each and every offence; provided, however, that if when obtaining a license from the Mayor of the city, the permit required by section 14 of this ordinance, the proprietor of said dance house, or giver or givers of said ball, shall file with the Mayor a bond with two or more sureties, to be approved by him, payable to the city of Galveston, in the sum of one hundred dollars, conditioned that the said dance or ball shall be conducted in an orderly manner, that the public peace shall be preserved, then the attendance of said two policemen shall be dispensed with.

As amended July 18, 1871.

ART. 293. [XVI.] Should any riot or disturbance of good order take place at any such ball or dance, unless it be immediately suppressed, it shall be the duty of the officers in attendance to cause the same to be closed forthwith, and any proprietor or proprietors of any public ball or dance house, failing or refusing to comply with the provisions of this section, shall be liable to a fine of not less than ten, nor more than fifty dollars.

CHAPTER XXXI.

PUBLIC SQUARES—CONCERNING BLOCKS 310 AND 320.

Approved Nov. 21, 1871.

ARTICLE 294. [I.] The Superintendent of Streets be and he is hereby authorized and directed to cause Block 310, of the City of Galveston, to be enclosed with a rough board fence, and plant Block No. 310 and Block No. 320 with trees and shrubbery.

Sec. 1, Art. III, Title IV, of the Charter.

ART. 295. [II.] The sum of One Thousand Dollars (Five Hundred Dollars for each Block), or so much thereof as may be necessary, be and is hereby appropriated to defray the expense of the enclosure and planting herein authorized, and that the Mayor shall, on the approval of the Superintendent of Streets, issue his warrant for the same, payable out of any funds in the treasury not otherwise appropriated.

CHAPTER XXXII.

QUARANTINE.

Approved March 31, 1846.

ARTICLE 296. [I.] All vessels arriving within the Bay of Galveston from any ports or places beyond the limits of the State of Texas, are hereby declared to be subject to such Quarantine regulations as are hereby prescribed by this Ordinance.

See Sec. 75, Art. III, Title IV, and Art. II, Title VIII of the Charter.

ART. 297. [II.] The Quarantine anchorage shall be abreast of Mesquite Island, and all vessels subject to Quarantine shall immediately upon their arrival from sea, proceed to and be anchored at the place assigned for Quarantine, and shall there remain with their officers, passengers, and crew, during the time of their Quarantine; to be prescribed by the Health Officer, but not in any case to exceed twenty days; Provided, that when Quarantine shall have been declared by the Governor of the State of Texas, said vessels shall remain at the Quarantine anchorage for the term that may be prescribed by the Governor in his proclamation establishing Quarantine.

See State Laws of 1870 relating to Quarantine.

ART. 298. [III.] The Health Officer to be appointed by the Mayor with the approval of a majority of the City Council, under the provisions of this Ordinance, shall board every vessel subject to Quarantine, immediately on her arrival, and make strict inquiry into the health of the crew and passengers, and into the state and condition of the vessel and cargo. And in the discharge of his duty he may put all such questions to the persons on board, as he shall judge necessary and proper, to enable him to ascertain the condition of the vessel and the Quarantine to which she ought to be subjected. And the persons to whom such questions

shall be put, shall, if required, answer the same under oath, which the Health Officer is hereby authorized to administer. And the Health Officer shall make a report to the Mayor containing all such information as may be necessary to enable him to determine what measures in relation to vessels and passengers ought to be adopted, and to prevent and punish violations of the provisions of this Ordinance.

ART. 299. [IV.] When the period of Quarantine prescribed for any vessel has expired, if the Health Officer shall judge the vessel and cargo free from infection, he shall relieve the vessel from Quarantine, but no vessel shall be allowed to remove from the Quarantine ground without a written permit from the Health Officer.

ART. 300. [V.] No lighter or other vessel shall be employed to unload vessels at the Quarantine, or to remove any of the passengers or crew therefrom without the permission of the Health Officer, when they may be subject to such restrictions as may be imposed by the Health Officer; Provided, that all mails may be landed at the earliest period deemed safe by the Health Officer.

ART. 301. [VI.] The master or other officer in command, or clerk of every vessel arriving at the Quarantine ground, shall make a report in writing to the Health Officer, of the name, age and last legal residence of every passenger or hand on board of such vessel; and no such hand or passenger shall be allowed to leave the vessel without the written permission of the Health Officer.

ART. 302. [VIII.] The master, owner or consignee, of every vessel subject to Quarantine, shall forthwith, upon the requisition of, and under the direction of the Health Officer, cause such vessel, her cargo and clothing to be purified; and shall cause such vessel to be fumigated with mineral acid gas, when required by the Health Officer.

ART. 303. [IX.] The Health Officer, if he shall judge it necessary to prevent infection or contagion, may cause any bedding or clothing on board a vessel, subject to Quarantine, or any portion of her cargo, that he may deem infected, to be destroyed.

ART. 304. [X.] Every master of a vessel who shall either give false information relative to the condition of his vessel, crew, passengers or cargo, or refuse to give such information as shall be lawfully required, or who shall land any person from his vessel, or unload, or tranship any portion of his cargo, before his vessel shall have been visited or examined by the Health Officer, shall be guilty of a misdemeanor and for each offence shall be fined in a sum not exceeding one hundred dollars, ($100.)

ART. 305. [XI.] Every person who shall willingly or knowingly oppose or obstruct the Health Officer in performing the duties required of him in this Ordinance, shall be guilty of a misdemeanor; the fine for each offence not to exceed one hundred dollars ($100,) nor the imprisonment fifteen days.

ART. 306. [XII.] Every master of a vessel subject to Quarantine, arriving in the bay from sea, or who shall refuse or neglect, either 1st, To proceed with and anchor his vessel at the place assigned for Quarantine at the time of his arrival. 2d, To submit his vessel, cargo and passengers, to the examination of the Health Officer, and to furnish all necessary information to enable that officer to determine at what length of Quarantine and other regulations they ought respectively to be subject. 3rd, To remain with his vessel at Quarantiee during the period assigned for her Quarantine, and whilst at Quarantine to comply with the directions and regulations of this Ordinance, and with such orders as the Health Officer, by virtue of this Ordinance may give, shall be liable to a fine of one hundred dollars, or fifteen days imprisonment; and every other person obstructing said officer in the discharge of his duty, shall be liable to a like penalty.

ART. 307. [XIII.] Whenever any fine shall be imposed by the provisions of this act, the person or persons so convicted to pay such fine, shall, in the discretion of the Mayor, stand committed until such fine be paid, or the person or persons so offending, shall be discharged from such imprisonment by due course of law.

ART. 308. [XV.] Any pilot who shall bring a vessel from any port or place in the United States, beyond the limits of Texas, with any passenger or passengers on board nearer to the city than the Quarantine ground, without the officers, owners or consignees of such vessels, complying with the provisions of this Ordinance, shall be liable to a fine of one hundred dollars, to be collected as other fines.

CHAPTER XXXIII.

SANITARY REGULATIONS.

Approved Jan. 22, 1857.

ARTICLE 309. [I.] The City Council, whenever in their opinion it shall become necessary, shall appoint an officer in each ward, who shall be styled Health Inspector for said ward, whose duty it shall be, 1st To ascertain every nuisance which may exist in his district, and forthwith to report the same to the Mayor in writing. 2nd, To enter upon the premises and into the house of every person in his

See Art. I, Title VIII, of the Charter.

district as often as he may deem necessary, or the Council may order, and to examine into the health and number of persons inhabiting the house, and the cleanliness of the premises, inspecting the vaults, privies &c., on such premises; and 3d., Execute such orders and resolutions of the Council as may be made upon the subject of the public health, and in such manner as they may direct.

ART. 310. [II.] Said appointments shall continue only during the pleasure of the Council, and the compensation to be paid for the performance of the duties shall be fixed by resolution of the Council at the time appointments shall be made.

ART. 311. [III.] The keeper or proprietor, of any hotel, tavern, boarding house, or inn, in which any inmate thereof shall be sick with small-pox, varioloid, yellow fever, or other infectious or pestilential disease, shall, upon such fact coming to his knowledge, forthwith report the same to the Health Physician; and his or her neglect or refusal so to do, shall subject every person so neglecting or refusing to a penalty of fifty dollars for each and every offence.

See Art. II, and VII. of Title VIII, of the Charter.

ART. 312. [I.] The Health Physician shall have power to order and enforce the drainage and filling up of any lot, grounds, yards or any other place in the city, whose condition he may deem to be unwholesome or liable to become so.

Approved July 18, 1871.

ART. 313. [II.] To cause all premises or buildings, of every description whatever, to be inspected, cleansed and disinfected.

ART. 314. [III.] To determine the construction, repairing, altering and removal of all privies, vaults and sinks; and the material to be used in their construction; and to the cleansing and disinfection of the same; and shall issue such orders, and establish such rules and regulations as may be necessary to collect and remove the garbage and refuse of every description, the existence of which he may deem detrimental to health or comfort.

ART. 315. [IV.] To the removal or isolation of any person, matter or thing, which is, or in his opinion may become, dangerous to health or life, and in general to the abatement and removal of all nuisances. The word nuisance or nuisances, in this Ordinance, shall be taken to mean anything whatever that may affect the health, comfort or morals of the people of the city of Galveston.

See Arts. 1, and VI, and IX, Title VIII of the Charter.

ART. 316. [V.] To establish such rules and regulations as he may think needful for ascertaining the number of marriages and births, deaths and burials, and for the disinterment and removal of dead bodies, within the limits of the City of Galveston.

ART. 317. [VI.] To issue, from time to time, such general and special rules, regulations and orders, (in harmony with the provisions and purposes of this Ordinance, and not inconsistent with the Constitution and Laws of this State,) and may alter, amend or rescind the same, as to him may seem necessary.

ART. 318. [VII.] Any person, corporation, company or body who shall violate or resist, or fail to comply with any order, rule or regulation issued by the Health Physician, under the authority of this Ordinance, or under the authority of the Sanitary Regulations of the City Charter, embraced in sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, under Article 8, shall be liable to a fine of not less than $5 or more than $15, or to imprisonment in the county jail for not less than five days or more than ten days, or shall work on the public highways of the City of Galveston for not less than three days or more than six days; and for any failure to comply with any rule, regulation or order, when a particular time is specified for its execution, shall be liable to a fine of not less than $5 or more than $15 for every day such failure of compliance shall continue.

ART 319. [VIII.] Whenever it may be necessary to use any force to secure the observance and execution of any rule, regulation or order issued by the Health Physician, under the authority of this Ordinance or of the City Charter, it shall be the duty of the Chief of Police to detail the necessary men and execute the same, upon a requisition made by the Health Physician, and approved by the Mayor of the City of Galveston.

ART. 320. [IX.] All expenses incurred by the Health Physician, or any one acting under his authority, as well as all fines and penalties imposed under the authority of this Ordinance, or of the City Charter, shall be a first and privileged lien upon the real property upon which, or on account of which, the expenses was incurred or the penalty imposed, for the collection of which, suit may be brought in the name of the City of Galveston, and recovery had, with costs, and 10 per cent. interest, before any court having jurisdiction in civil actions; and a statement of said expense, certified by the Health Physician, and approved by the Mayor, or a copy thereof, shall be deemed ample and sufficient proof before such court.

Approved July 18, 1871.

See Art. 8, Title VIII, of the Charter.

ART. 321. [I.] Be it ordained by the City Council of the City of Galveston, That every lot, or parcel of ground upon which any pool of stagnant water has accumulated, or is likely to accumulate, or which in other respects may have a tendency to engender disease, shall be deemed and is hereby declared a public nuisance; and the owner or owners,

lessee or lessees of such lot or parcel of ground, upon being notified, in writing, by the Mayor or Health Officer, shall fill up the same with sand or earth, and cleanse or purify the same, or cause it to be done, in such mode and manner, and within such space of time as may be limited and designated in such notice; and in filling up said lot or parcel of ground shall conform to such grade as the City Council shall establish, to the satisfaction of the Health Officer of the City.

ART. 322. [II.] That it shall be the duty of the Health Officer to inspect, or cause to be inspected, within twenty days after this Ordinance takes effect, all houses in the City of Galveston; and if he shall find stagnant water under any house within said limits, he shall notify the owner or agent, or lessee or tenant, to fill up the space capable of holding water, to such height as he may designate, within such time as he may appoint; and, if he deem it necessary, shall require any such house to be raised, so that there will be at least two feet of space between the earth surface when filled up, and the joists of the lower floor of the house, for ventilation.

ART. 323. [III.] That it shall be the duty of the Health Officer in making his inspection, to take notice of any uncleanliness about any premises that is likely to engender disease, and to cause the same to be promptly removed or purified, in such manner as he may order; the said cleansing or removal shall be done by the owner or tenant of the premises, within such time and in such manner as the Health Officer shall designate.

ART. 324. [IV.] All notices, required by the preceding sections shall be in writing, and may be served by the Health Officer, or, under his direction, by the Police of the City, upon the owner, or agent of the owner, or the tenant of the premises offending, if resident in the city; but if the premises be unoccupied, and the owner is a non-resident, and has no resident agent, then notice shall be served by posting a written notice on the premises, and in case the owner, or agent of the owner, or tenant, shall fail or refuse to fill up, raise, cleanse or purify said premises, after being duly notified, and required, as aforesaid, in the manner and within the time limited and appointed therefor, he, she or they shall be liable to a fine of twenty dollars for each and every day the said premises shall remain in its noxious condition after the time limited for the filling up, cleansing or purification thereof.

ART. 325. [V.] On the expiration of forty-eight hours, after the time limited in the notice, the same not having been complied with, or only partially complied with, the

Health Officer shall notify the Street Commissioner to proceed and do the work required by said notice; and the Street Commissioner shall immediately engage and put to work sufficient force of men and teams to do said work, keeping an exact account of the cost of the same, which account, with his affidavit of the correctness and justness of the same, he shall file in the office of the City Clerk, who shall record the same in a book kept for that purpose. The said account shall state the location of the premises, the number of the lot and block, and the owner's name, if known; the amount of work, and the nature thereof done, and the exact cost thereof, which sum shall be charged against the owner and the premises; if the owner be unknown, against the premises only.

ART. 326. [VI.] It shall be the duty of the Mayor to file a copy of said account, certified to by him, as a statement of said expense, with the Clerk of the District Court for the County of Galveston, for record, and deliver the account to the attorney employed by the city for collection.

CHAPTER XXXIV.

PUBLIC SCALES.

Approved Jan. 16, 1871. See Sec. 24, Art. III, Title IV, of the Charter.

ARTICLE 327. [I.] Charles Lemmerman be, and he is hereby granted, the privilege of putting down a large Scale on 20th street, half way between the fish market and Strand, in the centre of 20th street; Provided, that the structure be enclosed so as to provide for the safety of citizens and others passing the same. Said Scale to be removed at any time when the Board of Aldermen shall so determine, at the expense of the owner. He shall at all times be in readiness to weigh live stock or anything else that may offer, and charge a reasonable price for the same. The said Council shall have power at any time to fix the scale of prices for weighing, not to exceed one dollar, nor less than fifty cents per draft.

CHAPTER XXXV.

SLAUGHTER HOUSES AND YARDS.

Approved June 27, 1871. See Sec. 22, 23, 37, and 38, Art. III, Title IV, of the Charter.

ARTICLE 328. [I.] Slaughter House, or Slaughter Yard, or ground or premises used for slaughtering purposes, shall not be kept or allowed within the city limits of the City of Galveston, nor shall there be any fresh meat brought within the city limits of Galveston, for the purpose of sale, and kept over night in said city, unless the same be deposited in a

regular established market house; nor shall any person be allowed to kill, butcher or slaughter any beef, veal, hog, sheep or goat within the corporated limits of the City of Galveston. Every person offending or violating either of the foregoing provisions, shall be fined in the sum of twenty-five dollars for each and every such offence, also the sum of twenty-five dollars for every day so offending.

Approved Dec. 5, 1871.

ART. 329. [I.] No Slaughter House, Slaughter Pen, Slaughter Yard, ground or premises, or other slaughtering establishment, shall be used within the limits of the City of Galveston, in the slaughtering of any beef, calf or other horned cattle, or in the slaughtering of any hog, sheep or goat; and that all such houses, pens, yards, grounds, premises and establishments that may be so used, within said limits, are hereby declared to be nuisances.

See Sec. 35, 36, 37, 38 and 41. Art. III, Title IV. of the Charter.

ART. 330. [II.] That no person shall exercise, or carry on, within the limits of the City of Galveston, any occupation, trade or business that creates any stench or smell offensive to the senses, which either makes the air unwholesome, or renders the enjoyment of life and property in the neighborhood uncomfortable; and the exercise or carrying on, within said limits, every such occupation, trade or business, and the houses and establishments in which said occupation, trade or business shall be so exercised or carried on, are hereby declared to be nuisances.

ART. 331. [III.] That each and every day, or part of a day, any slaughter house, slaughter pen, slaughter yard, ground or premises, or slaughtering establishment, may be used for any of the purposes prohibited by the first section of this Ordinance, and that each and every day, or part of a day, any occupation, trade or business prohibited by the second section of this Ordinance, may be exercised or carried on, shall be adjudged a separate offence, and shall be punished accordingly.

ART. 332. [IV.] That if any person shall be found guilty of a violation of any of the preceding sections of this Ordinance, the person so offending shall be fined in any sum not less than twenty dollars, nor more than two hundred dollars; and in default of payment, execution shall be issued therefor against his goods, chattels and real estate, and he may also be committed to jail, for any time not to exceed forty days, at the discretion of the court.

ART. 333. [V.] That when any house, pen or establishment, mentioned in any of the preceding sections of this Ordinance, shall be found to be a nuisance, the Recorder shall issue a writ to the Chief of Police, ordering him to abate the same.

CHAPTER XXXVI.

SHOWS, CIRCUSES AND OTHER EXHIBITIONS.

Approved Feb. 9, 1859.

ARTICLE 334. [III.] Every person who shall keep or exhibit any circus or equestrian performance, menagerie or any exhibition of animals, or other like exhibition, shall employ not less than three of the City Police for the purpose of attending such exhibitions, and to preserve order and decorum therein, and shall pay to each not less than two dollars for each exhibition, and admit such officers free of charge; and a refusal or neglect so to do shall work a forfeiture of the license to exhibit, and subject such person to a fine of not less than twenty-five dollars for each exhibition.

See Sec. 16. and 17, Art. III, Title IV. of the Charter

ART. 335. [IV.] It shall be the duty of the Chief of Police, when applied to for that purpose, to designate three of the Police officers so to attend said exhibitions, whose duty it shall be to attend such exhibitions and to preserve quiet and good order at the same.

CHAPTER XXXVII.

STREETS, SIDE-WALKS AND ALLEYS.

Approved Jan. 31, 1852.

As amended June 20, 1866.

ARTICLE 336. [I.] All streets, avenues and alleys and side-walks in the City of Galveston, running in a south and north direction, and lying between Tenth and Forty-first streets, as laid down and designated on the map of said City, are hereby extended and opened to the channel of Galveston Bay, which runs along the northern front of said City, and each of said streets, avenues, alleys and side-walks is hereby made and declared to be an open and public highway throughout its extent to said channel, running in the same line of direction, and of the same width including the side-walks, as said streets, avenues and alleys, and said walks now are.

ART. 337. [II.] It shall not be lawful for any person or persons, company or association, under any pretext whatever, to encumber any or either of said streets, avenues, alleys or side-walks, by building, constructing or putting up, or causing to be built, constructed or put up, any fence, building, wharf, Techead or other obstruction, of whatever kind, and any person or persons, company or association, offending against any or either of the provisions of this Ordinance, and any and all persrns who shall aid and assist in so offending, shall be fined in a sum not less than fifty dollars, to be recovered before the Mayor or Recorder of said

City, and shall also be liable to be imprisoned for not exceeding fifteen days; and any person or persons, company or association so offending as aforesaid, shall also be liable to a further penalty of not less than twenty-five dollars, nor exceeding one hundred dollars, for each and every day any such fence, building, wharf, Teehead or other obstructions, of whatever kind, shall continue in any or either of said streets, avenues, alleys or side-walks of said City.

It shall be the duty of the Mayor to cause all obstructions to be removed, which are now, or may hereafter be erected or placed in any or either of said streets, avenues, alleys or side-walks, as extended and defined by this Ordinance, without authority from the corporate authorities of said City; and should the Mayor deem it necessary, he shall order the Chief of Police, or other qualified officer, to proceed with a sufficient force to remove said obstructions, and such Chief of Police or other qualified officer, as aforesaid is hereby fully authorized and empowered to summon such force as he may deem necessary to enforce the provisions of this Ordinance, and remove and abolish said obstructions.

ART. 338. [I.] It shall not be lawful for any person to erect any building or fence on the side-walks, or on the alleys or streets of said city; and any building or fence which may be so placed as to encroach on any street or side-walk in said city, shall be deemed a nuisance and shall be removed to the proper line of the street; and a neglect or refusal to alter or remove any house, building or fence, shall subject the offender or offenders to a penalty of ten dollars for every day such nuisance shall continue.

See Title IX of the Charter.

ART. 339. [II.] The side-walks of the said City of Galveston shall be sixteen feet wide, and it shall not be lawful for any person or persons to obstruct or encumber the same in any manner whatever, by goods, wares or merchandise of any kind; and merchants, shopkeepers and other persons are required to remove goods, wares and all other objects which might obstruct or encumber the side-walks, into their houses, yards or other places, under a penalty of five dollars for every day such obstruction or encumbrance shall exist.

See Sec. 14, Art. III, Title IV, of the Charter.

ART. 340. [III.] No gallery, balcony or other projection, affixed to, or forming a part of any house or other building, shall be made to extend over any side-walk more than four feet, nor at a less height than ten feet above the side-walk; and all such as may be otherwise constructed, shall be deemed an encroachment upon the side-walk and a nuisance, and the person who caused the same to be constructed shall incur a penalty of twenty dollars, and the gallery, balcony or other projection shall be removed or altered, in conformity

with the provisions of this Ordinance; any neglect or refusal to alter or remove such nuisance shall subject such person or persons thus offending, to a penalty of five dollars per day during the continuance of such nuisance.

See Sec. 14, Art. III, Title IV, of the Charter.

ART. 341. [IV.] Every owner or occupant of a house, within the limits of the city, shall have the privilege of extending an awning from said house over the side-walk, provided the said awning be extended to the curbing of said side-walk; and shall also have the privilege of extending a wooden shed from such house, provided the same be extended as far as the curbing of the side-walk; the pillars or posts supporting the same, being morticed, or let into the curbing, and seven feet apart; and provided, further, that said shed shall be eight feet from the curbs of the side-walk to the eaves thereof, and next the house ten feet from the ground to the top, and said shed shall be kept at all times neatly painted; Provided; further, that within the prescribed fire limits, such awning or sheds over the side-walks, shall be built or erected on iron columns, and the roof and other necessary wood work to be covered with fire-proof material. And any person or persons, who may have heretofore erected, or who shall hereafter erect, an awning or shed, from his, her or their houses, contrary to the provisions of this section, shall be compelled to remove the same, and shall be notified so to do by the Chief of Police, within a certain time to be appointed in such notice. And every person refusing or neglecting to remove such shed within the time limited as aforesaid, shall be subject after the expiration thereof, to a fine of not more than twenty (20) dollars for each and every day the said shed shall be continued.

As amended March 7, 1870.

ART. 342. [V.] No trees shall be planted in the streets, nor shall any posts be placed for an awning or other purposes in the streets, except the same be planted or placed on the outside of the side-walks, and on a line with the same, under a fine of twenty dollars against the offenders, for each offence against the provisions of this section.

ART. 343. [VI.] It shall not be lawful for any person in building or repairing any house, store or fence, to lay or place bricks, boards or timber, or other materials for building, in the streets, in such manner as to occupy more than one-third part of any street, or in any manner so as to obstruct the side-walks, (necessary posts to support scaffolds for workmen, excepted.) And any person or persons so offending against the provisions of this section of this Ordinance, shall be subject to a fine of five dollars, for every day's continuance of such obstruction after being notified to remove the same.

ART. 344. [X.] No person whatever, on any pretence, shall cut any ditch, or shall build or place any barrier or way of earth and shells, or of any other material, across any of the public streets or alleys of this city, so as to impede or obstruct the drainage thereof, unless permission so to do be especially granted by the Mayor, who may grant such permission only when it may appear to be for the benefit of the section of the town where the said ditch is to be cut, or the said barrier or way is to be constructed; and any person offending against the provisions of this section shall be fined not exceeding one hundred dollars.

ART. 345. [XI.] It shall not be lawful for any person or persons to encumber any street or side-walk within the limits of the city, with cotton, lumber, fire-wood, carts, drays, wagons or other articles; and any person or persons so offending shall incur a penalty of five dollars for every day's continuance of such obstruction.

ART. 346. [XII.] Whenever any article may be found obstructing or encumbering the streets or side-walks, and the owner or owners, or claimants of such articles, cannot be found, it shall be the duty of the Chief of Police, under the direction of the Mayor, to remove the same to some safe place of deposit, and at the expiration of ten days thereafter, if no demand be made for the same, such article or articles shall be sold by the Chief of Police at public auction, for cash, giving ten days' public notice of the time and place of sale, the proceeds of which, after deducting all expenses and costs, to be deposited with the City Treasurer for use and benefit of the owner or owners thereof.

ART. 347. [XIII] It shall be the duty of every owner or occupant of any lot, or parcel of ground within the limits of the city, to keep the side-walks in front of, and around the same, free and clear of weeds, from the line of the said lot or parcel of ground, to the curbing of the side-walks thereof, or at least the distance of sixteen feet from the line or lines of the lot, or parcel of land, into the street or streets adjoining; and any and every person failing to observe and conform to the provisions of this section, shall be notified by the Chief of Police to remove said weeds, within twenty-four hours, and on refusal or failure to comply with said order, such person or persons shall be fined in a sum not exceeding five dollars for each and every day the same shall remain and continue.

See Sec. 14, Art. III, Title IV, of the Charter.

ART. 348. [XV.] Every owner or owners, his, her or their agents, of every lot or parcel of ground lying and fronting on Avenue B, commonly known as Strand street, between Bath Avenue and Sixteenth Street, shall construct, keep up and maintain, or cause to be constructed, kept up

and maintained, a side-walk in front of such lot or parcel of land, conforming in such construction and filling up thereof to the grade that shall be fixed by the City Engineer, with a curbing of brick, stone or wood, which said curbing, if constructed of wood, shall not be less than four inches in thickness, secured by strong and sufficient uprights on the inner side; and in case of corner lots, the said side-walks to be so constructed, kept up and maintained, shall be extended round each and every corner lot the full depth of the lot to the alley in the rear; and for every refusal or failure to comply with the provisions of this section, after notification and a time limited and appointed therein for the construction of such side-walk, or the repair thereof, the owner or owners of such lots or parcels of lots, shall be subject and liable to a fine for each and every day, after the expiration of the time prescribed, of not exceeding ten dollars.

ART. 349. [XVI.] The lanes or alleys, which divide the blocks of lots, within the city, are not thoroughfares to every intent and purpose, and therefore, it shall be unlawful for any person to drive any cart, wagon, dray or other vehicle into or through any of the said lanes or alleys of the city, unless it shall be to receive or deliver a load in such lane or alley, or to the stable or house where such vehicle shall be kept; and every person offending against the provisions of this section shall be subject to a fine not exceeding ten dollars for each and every offence.

ART. 350. [XVII.] It is hereby made the duty of the owner, or his agent, of every lot and parcel of lot of ground in the city, when the grade has been fixed, to construct, keep up and maintain, and cause to be constructed, kept up and maintained, a pavement or side-walk in front of and bounding upon each lot and parcel of lot respectively, which said pavement or side-walk shall be sixteen feet in width from the line of the lot or parcel of lot, extending into the street, and shall be filled up, conforming in the height thereof to such grade as the Street Superintendent, with the assistance of the City Engineer, and the approval of the Mayor, shall fix and establish for each street and avenue, said pavement or side-walk to have a curbing of brick, stone or wood; and if constructed of wood, it shall not be of less than three inches in thickness, and secured by strong and sufficient uprights placed on the inside of the curb; and it is hereby made the duty of the Mayor, upon approval of the said grades so established and fixed, or any of them, to give public notice thereof by hand-bills posted up throughout the district, and in one of the newspapers published in the city, and shall, in such notice, fix and specify therein such reasonable time within which the said pavements and side-walks shall be

constructed, as herein before directed; and if any person shall refuse or neglect to comply with the provisions of this section, within the time limited, specified and appointed by the Mayor, in the public notice as aforesaid, unless upon special application to the Council, and for good and sufficient cause the time shall in any case be extended, shall be liable to a fine of not exceeding three dollars for each and every day such refusal or neglect shall continue after the time prescribed.

ART. 351. [I.] It shall not be lawful to build sheds or awnings over the side-walks of this city in such a manner as to enclose the public gas lamps and obstruct the light; sufficient opening shall be left so as to see the lamps freely from all sides. Approved Oct. 4, 1869.

ART. 352. [II.] The owner of such sheds or awnings, obstructing the lights, shall be fined five dollars for every day that said obstructions shall remain.

ART. 353. [I.] The owners of property on the side of any block are required to construct their side-walks at an uniform height, and so graded, that water will not remain on them after a rain; and the width of said side-walks shall be as laid down on the plan of the city, fourteen or sixteen feet, as provided for in said plan, the height and grade to be defined by the City Engineer, under whose supervision the work shall be constructed, accepted or rejected. Approved March 7, 1870. As amended Dec. 5, 1870. See Sec. 14, Art. III, Title IV, of the Charter.

ART. 354. [II.] When the Superintendent of Streets, under the authority of the Board, shall intend the construction and grading or repair of the side-walk on any street, or on any block of the city, he shall notify the City Engineer to survey the same, and to place proper marks for the guidance of the workmen, and furnish to the Street Commissioner an estimate of the cost per front foot of the proposed side-walks, whether with shell and sand, sand and bricks, or sand and stone. Approved March 7, 1870

ART. 355. [III.] When the survey and estimate provided for in the foregoing section has been furnished to the Superintendent of Streets, he shall furnish to each owner of lots, or parts of lots fronting on the proposed work, his or her agent or attorney, or guardian, the statement of the cost of the work on his or her front, with a notice to said owner to construct his side-walks in accordance with the plan and grade, within twenty days from the date of the notice, or that the same will be done by the city at the cost of said owner, with the addition of the cost of collection. As amended Oct. 10, 1871.

ART. 356. [IV.] If any owner of a lot, fronting on the proposed works, shall fail to have constructed his side-walk within the twenty days fixed by said notice, on the expiration of said twenty days the Superintendent of Streets shall

employ laborers and procure the materials, and construct said side-walks according to plan and grade determined on as afaresaid; and on the completion of the work, shall demand and collect of the owner of the lot the cost of construction, and five per cent. additional on the amount, for advancing the money to do the work and collecting the amount, which amount shall be paid by the said Superintendent of Streets into the City Treasury, for the use of the city.

ART. 357. [V.] If any owner of a lot, in front of which a side-walk has been constructed by the city, shall, after demand by the Street Commissioner, refuse or fail to pay the amount assessed on his front, and the said Commissioner for advancing and collecting, he shall, on complaint of the Street Commissioner, before the Recorder, be fined in a sum not exceeding ten per cent. of the amount assessed against him, and shall pay the cost of his arrest, and may be proceeded against as for a new offence each week that the amounts shall remain unpaid.

ART. 358. [VI.] When two-thirds of the owners of the frontage of any block shall desire the side-walks of the block constructed of brick, or stone, or shell, they may file a petition with the City Clerk, stating the material, and on the filing of said petition the Superintendent of Streets shall cause the ground to be surveyed by the City Engineer and the cost estimated, and proceed therein, as hereinafter provided for work ordered to be done by the Council.

See Charter page 35. Art. I, Title IX.

ART. 359. [VII.] Whenever two-thirds of the property holders of one-half block wish to have gutters laid in front of their property, in the streets and avenues, and make such petition to the Mayor, the Mayor shall be authorized to notify all the property holders of such half block that such gutter shall be laid, under the direction of the City Engineer and supervision of the Street Superintendent, and said gutters shall be repaired and renewed when necessary, and the city shall pay one-third, and the said property holders shall pay two-thirds of the cost of construction and repairs of said gutters.

Approved July 1, 1871.

ART. 360. [I.] It is hereby ordained that the following streets, and parts of streets, be graded with a coating of sound clam shell, not less than fifteen inches in thickness, and to a proper grade for a pavement of not less than six inches in thickness: Avenue B, from Fifteenth to Twenty-Ninth streets, inclusive; Avenue C, from Fifteenth to Thirty-Fourth streets, inclusive; Twenty-Third street, from the Bay, on the North, to the Gulf, on the South; Eighteenth, Nineteenth, Twentieth, Twenty-First, Twenty-Second, Twenty Fourth, Twenty-Fifth, Twenty-Sixth, Twenty-Seventh, Twenty-Eighth

and Twenty-Ninth streets, from Avenue B to Avenue C; and, also, Thirty-Third street, from Avenue C to Avenue D.

ART. 361. [II.] The Mayor be, and he is hereby required, to advertise ten days for proposals for a sufficient quantity of sound clam shell to complete the proposed improvements, to be delivered at such place and in such quantities as may be directed by the Superintendent of Streets; said shell to be contracted for at a given price per barrel, so delivered, and such barrel to be five cubic feet of measurement; Provided, that such contractor or contractors, shall be required to give security in three times the amount of their contract, for the faithful execution of their contract; and Provided, further, that the Mayor and Committee on Streets and Alleys, jointly approve such contract.

ART. 362. [III.] The City Engineer be, and he is hereby directed, to fix the grade of said streets, under the advice and consent of the Mayor and Committee on Streets and Alleys, and he shall also make a careful estimate of the quantity of material required for said improvement; and when the quantity and cost of such material has been approximately determined, he shall then carefully assess the due proportion of the cost of such improvement on the property situated on either side of such street or streets, as delivered and required, under and by the terms of Section 1, Article 2, Title 9 of the City Charter; and it shall also be his duty to make duplicate rolls of such assessment, and place them before the Board of Aldermen; and when such rolls are approved by the Board of Aldermen, such assessment shall be held and claimed to be a privileged and first lien upon the property so assessed, and shall be collected in the manner, and at such times as are hereinafter prescribed.

ART. 363. [IV.] The assessment provided for in the foregoing section shall be payable in five equal payments, and the first payment shall be due and payable on the first day of September next, and the balance in equal annual payments on the first day of September thereafter; Provided, that such deferred payments shall bear interest annually at the rate of ten per cent., and such interest shall be due and payable at each annual payment of such assessment.

ART. 364. [V.] When the assessment roll herein provided for shall be approved by the Board of Aldermen, that it shall then be the duty of the Mayor to place one of said rolls in the hands of the Collector of Taxes, whose duty it shall be to collect all such assessments, and all assessments so collected shall be paid into the Treasury, and all such payments shall be held by the Treasurer as a special fund,

and it shall not be used for any other purpose than to pay interest on and to retire any bonds issued by the City of Galveston in aid of the improvements herein provided for.

As amended July 5, 1871

ART. 365. [VI.] Payment for the improvements herein provided for shall be made in the bonds of the City of Galveston, to the extent of the sum of assessment made on the property situated on either side of the street so improved, and the balance of such cost shall be paid out of the current General Fund or bonds of the City of Galveston, under such stipulations as may be made with the contractor or contractors.

Approved April 20, 1868

ART. 366. [I.] There shall be, and is hereby reserved, a space of thirty feet in width in the centre of the street known upon the plot or plan of the city as Broadway, the full length thereof between the cross streets, as far as the same now does, or shall hereafter extend within the corporate limits of Galveston City, whether the said limits shall remain as they now are, or whether the same shall hereafter be extended, for the purpose of planting shade trees, and ornamental shrubbery; and to be used only as a foot path, and as place of resort for pedestrians.

ART. 367. [II.] It shall be unlawful for any person to encumber said space of thirty feet in the centre of Broadway with any manner of temporary or permanent incumbrance, obstruction or impediment of any kind whatever; and it is hereby made the duty of the Mayor, at once to remove, or cause the same to be done, any incumbrance, obstruction or impediment, that may at any time be placed thereon.

ART. 368. [III.] Whenever said trees and shrubbery shall be planted in and on said reservation, as contemplated by this Ordinance, it shall be unlawful for any person to drive or ride within or across said limits, or for any person to permit any animal to go at large or stray therein.

ART. 369. [IV.] For each and every violation of this Ordinance, the person so offending shall be fined not less than ten nor more than one hundred dollars, to be recovered before any Court of competent jurisdiction; and any person violating the second section of this Ordinance, in addition to the penalty aforesaid, shall be fined fifty dollars a day for each and every day he shall permit the obstruction or incumbrances to remain, after being notified to remove them.

ART. 370. [V.] The method of enclosing said reservation or esplanade, shall be determined by the Board of Aldermen, through the Mayor, and the proper grade shall be determined by the City Engineer.

Approved June 27, 1871.

ART. 371. [I.] It shall be the duty of all owners of houses, stores, shops or vacant lots, to keep the side-walks

before their houses, stores, shops or vacant lots, clean and in good condition, and that it shall be unlawful and prohibited to sweep in the gutters, or throw into the streets and alleys, offal, debris, or anything else; such sweepings, debris, offal, &c., shall be collected in boxes or barrels, and placed before the doors, at the edge of the side-walk, where scavenger carts shall take it at certain hours, not later than 9 o'clock, A. M., and the empty boxes or barrels, shall not remain on the side-walk, but be taken back to the house by the owner. See Sec. 14, Art. III, Title IV, of the Charter.

ART. 372. [II.] Any person violating this Ordinance shall be fined not less than one, nor more than five dollars, for each and every offence, to be collected before the Recorder.

ART. 373. [I.] It shall be unlawful for any person or persons to take, carry away or remove, any dirt, sand or earth from any lot or parcel of land within the limits of the City of Galveston, without the consent of the owner or owners thereof. Approved Nov. 9, 1871.

ART. 374. [II.] It shall be unlawful for any person or persons to take, carry away or remove any dirt, sand or earth from any street, alley, highway or public ground, within the limits of the City of Galveston, without the consent of the City Council.

ART. 375. [III.] Any person or persons violating the provisions of this Ordinance shall be guilty of an offence, and, on conviction thereof, shall be punished by a fine of not less than five nor more than twenty dollars for each offence.

ART. 376. [I.] The City Surveyor shall, immediately, after the passage of this Ordinance, make a survey of Avenues C and D, from Sixteenth street to Thirty-Third street, and establish the grade of the street. Approved Jan. 9, 1872.

ART. 377. [II.] When said survey is completed, the Superintendent of Streets shall proceed to raise said streets to the grade, and shall construct the side-walks on said streets and make them of a uniform height, in accordance with the Ordinance concerning side-walks; and on completion of the side-walk on any owner's front, shall present the bill of costs and collect the same from such owner, for the benefit of the city.

ART. 378. [III.] Each owner of a front on said streets shall fill his lot to the level of the side-walk constructed by the Superintendent of Streets within thirty days after the side-walk is completed, under penalty of fifty dollars.

ART. 379. [IV.] Any person, intending to build on a lot fronting on said streets, shall, before commencing to build, cause his lot to be surveyed by the City Engineer

and obtain from him a certificate that his lot is filled to the proper grade; and any person building, without having obtained said certificate, shall be fined in the sum of fifty dollars and cost of prosecution.

ART. 380. [V.] When any person shall have been ordered by the Health Physician to fill his or her lot to grade, he shall, on completion of the filling, cause the said lot to be surveyed by the City Engineer, and obtain from him a certificate that the same is filled to grade; and any person, failing or refusing to comply with the order of the Health Physician as to filling his lot, shall be fined in the sum of fifty dollars and cost of prosecution.

ART. 381. [VI.] When any owner of a house now standing shall be notified by the Health Physician that his house is too low, and is required by said Health Physician to raise the same and fill the lot, and shall fail for thirty days to comply with said order, he or she shall be fined in the sum of fifty dollars, and five dollars per day for each day thereafter he or she shall fail to comply with said order.

CHAPTER XXXVIII.

DUTIES OF STREET SUPERINTENDENT.

Approved June 4, 1866.

ARTICLE 382. [I.] The Superintendent of Streets shall, before he enters upon the duties of his office, take and subscribe to an oath, before the Mayor or any Justice of the Peace resident within the said City, well, truly and faithfully to discharge the duties of his office, which are now, or may hereafter, by ordinance or resolution of the Council, be required of him.

See Art. IX, Title III, of the Charter.

ART. 383. [II.] It shall be his duty to supervise all work undertaken by the Board of Aldermen upon the streets, alleys and public squares of the City; direct the grading of the same, and the construction of the side-walks, so as to preserve a due uniformity of their heighth and width; inspect, under the direction of the Street Committee, the draining and filling up of all such lots and low grounds as may be ordered by the Board of Aldermen; superintend the construction of all culverts and bridges; control all gangs of workmen employed by the Board of Aldermen upon the streets; keep a correct account of the time of said workmen, and of all other work and services which may be done and performed, and make correct report thereof to the Board of Aldermen; he shall also remove, or cause to be removed, in manner as prescribed in the chapter regulating streets and side-walks, all such filth, dirt, or other nuisances in said chapter enumerated.

ART. 384. [III.] It shall also be his duty to receive and receipt for, (in the name of the Corporation of the City of Galveston,) all shells, sand, stone, lumber or other material, which may at any time be contracted for by the Board of Aldermen, to be used on the streets, alleys and public squares of the City; to correctly measure, or cause to be correctly measured, the same, and to designate, under the direction of the Street Committee, at what point or points the same shall be delivered within the limits of the City.

ART. 385. [IV.] It shall also be his duty to exercise a general supervision over the construction of all railways which may at any time hereafter be constructed to run through the streets of the City; to notice that they conform to the proper grade of such streets, as may be established by the City Surveyor, so as not to impede the passage of drays, carriages or other vehicles, through said streets; and in case of any violation of contract by any party or parties invested by the Board of Aldermen with the right to construct such railways through the streets of said City, it shall be his duty to forthwith report the same to the Board of Aldermen.

ART. 386. [V.] It shall also be his duty, in case the Board of Aldermen shall contract with any party or parties for filling up, grading, or shelling any streets, alleys or public squares in the city, to generally supervise the same, and to see that said contracts or contract are faithfully performed, and in case of any violation of said contracts he shall immediately report the same to the Board of Aldermen; further, it shall not be lawful for said Superintendent of Streets to have, either directly or remotely, any pecuniary interest in said contract or contracts, and in case of any violation of this clause, he shall be liable, on conviction thereof before the Mayor and Aldermen, of being removed from office, and also be subject to a fine of not less than fifty nor more than one hundred dollars.

ART. 387. [I.] The Street Commissioner shall, within thirty days, report to the City Council a full list of all lots and fractional lots, fronting on avenues and streets, which have been improved with shell during the term of his office, giving number and size of the same, and number of block on which situated, and the names of the owners thereof, if known, and if not known, the same shall be entered on said list as unknown. Approved Jan. 19, 1872.

ART. 388. [II.] It shall also be the duty of said Street Commissioner to enter on said list, opposite each lot or fractional lot, lying and being on such side of the street and avenue which has been so improved, one third of the estimated expense for such work or improvement on such avenue

and street, fronting, adjoining or opposite such lot or fractional lot, as provided for in Art. 11, Sec. I. Title 9, City Charter; Provided, That the expense of filling said street and avenue be not included in such estimate.

ART. 389. [III.] It shall also be the duty of said Street Commissioner to report to the City Council, at the first regular meeting of every month, a full list of every lot and fractional lot fronting on avenues or streets, which have been improved by shell during the preceding month, rendering an estimate of the probable cost of the same.

CHAPTER XXXIX.

CITY SURVEYOR.

Approved Jan. 8, 1857.

ARTICLE 390. [I.] The City Surveyor shall, before he enters upon the duties of his office, take and subscribe an oath before the Mayor, or some Justice of the Peace resident in said city, that he will well and truly and faithfully discharge the duties of his office.

ART. 391. [II.] It shall be the duty of the said Surveyor, whenever required by the Council, or by its authority, to make all surveys and to make and establish grades and levels for the repair or drainage of the streets, avenues and squares of the city, and the height of side-walks or pavements of the said streets and avenues; and it shall also be his duty, when called upon by individuals, to make surveys of city lots, with all reasonable dispatch.

ART. 392. [IV.] The Surveyor shall be entitled to demand and receive from the parties that may call on him to make a survey, for each lot surveyed by him, five dollars, although only one line of said lot be run and established.

CHAPTER XL.

TAXES—LICENSE TAX AND AD-VALOREM TAX.

Approved July 5, 1871.

ARTICLE 393. [I.] Any person or persons, being engaged in any of the professions, callings or business occupations hereinafter named, shall pay a license tax as herein specifically set forth; Provided, that all licenses heretofore issued shall be deemed and held to be good until such license shall have expired by limitation; and further, Provided, that all licenses issued under the authority of this Ordinance, shall be for the period of one year, unless specifically stated otherwise, and shall not be transferable except by the permission of the City Council.

ART. 394. [II.] Every bank, banking house, or banking agency, receiving deposits or dealing in gold, silver, uncurrent money or exchange, shall pay an annual license tax as follows, to-wit: such whose average deposits for the year preceding shall have been $300,000 and upwards, a license tax of three hundred; such whose average deposits shall have been $200,000, and less than $300,000, a license tax of two hundred dollars; such whose average deposits shall have been $100,000, and less than $200,000, a license tax of one hundred dollars; and such whose average deposits shall have been less than $100,000, shall pay a license tax of seventy-five dollars; Provided, all licenses issued under the terms of this section to establishments commencing business shall be at the least sum named. See Arts. 3 and 4, Title V, of the Charter.

ART. 395. [III.] Each and every insurance company, whose principal office is in this city; and each and every Insurance Agent representing a company, whose principal office is not in this city, shall pay an annual license tax of one hundred dollars; and if said agent or agents represent more companies than one, he or they shall pay an additional tax of one hundred dollars for every company represented, more than one. Every Insurance Inspector shall pay a license tax of twenty dollars.

ART. 396. [IV.] Every incorporated company, or other company or person engaged in transporting money, merchandise, baggage, or other articles by express, shall pay a license tax of one hundred dollars. Every person or firm engaged in the transportation and delivery of baggage, shall pay a tax of fifty dollars.

ART. 397. [V.] Every theatre, amphitheatre, opera-house, or place for theatrical performances, an annual tax of two hundred and fifty dollars; and every concert, to which the public are invited, and for which a charge is exacted for admission, a tax of ten dollars for each performance or lecture.

ART. 398. [VI.] Every person or firm dealing in foreign or domestic exchange, and not receiving deposits or doing a banking business, a tax of sixty dollars.

ART. 399. [VII.] Every person or firm engaged in the business of a pawnbroker, a tax of one hundred dollars; every person or firm keeping a junk store, whose sales for the year preceding the application for a license exceeded the sum of $15,000, a tax of one hundred and fifty dollars, and all others not exceeding that amount, a tax of one hundred dollars; Provided, all licenses issued under this section to establishments commencing business shall be charged with the least sum named.

ART. 400. [VIII.] Every person or firm transacting business as a broker, in buying or selling gold or silver coin, bullion, or gold dust, stocks, promissory notes, bills of exchange, or uncurrent money, seventy-five dollars; every person engaged in business as an insurance broker, thirty dollars.

ART. 401. [IX.] Every person or firm engaged in keeping a hotel for the entertainment of transient persons or travelers, having accommodations for 100 persons or over, two hundred and fifty dollars; every such hotel accommodating less than 100 and over 60 persons, one hundred and fifty dollars, and every hotel accommodating less than sixty persons, one hundred dollars; every keeper of a private or public boarding house, for the entertainment of persons by the week or month, having accommodations for over 30 persons, a tax of fifty dollars; every keeper of a private or public boarding house, for the entertainment of persons by the week or month, having accommodations for over 12 and less than 30 persons, twenty dollars; and all persons keeping a less number than 12 boarders, shall not be required to pay a tax. Every person keeping a lodging house for the accommodation of night lodgers only, a tax of twenty-five dollars.

ART. 402. [X.] Every club house, where billiard tables are used, or spirituous, vinous or malt liquors are sold or supplied, a tax of one hundred dollars.

ART. 403. [XI.] Every person or firm, engaged in the wholesale merchandise business, a tax of $100; Provided, that a wholesale dealer shall be deemed to be a person or firm whose main or principal sales are to merchants, and not directly to consumers. Every person or firm engaged in the wholesale and retail business, a tax of $75; Provided, that wholesale and retail dealers shall be deemed to be persons or firms whose sales are mainly and directly to consumers. Every person or firm engaged exclusively in the retail merchandise business, whose sales amounted, for the year preceding the application for a license, to the sum of $60,000, a tax of $60. Every person or firm engaged in retailing merchandise, whose sales, for the year preceding the application for a license, amounted to the sum of $50,000, and less than $60,000, a tax of $50; every person or firm engaged in the retail merchandise business, whose sales for the year preceding the application for a license amounted to the sum of $25,000, and less than $50,000, a tax of $35. Every person or firm engaged in the retail merchandise business, whose sales for the year preceding the application for a license were $12,500, a tax of $25. Every person or firm engaged in the retail merchandise business, whose sales for

the year preceding the application for a license amounted to a sum less than $12,500 shall pay a tax of $20; and every such person or firm commencing the retail business, for the first time, shall pay a tax of $30.

ART. 404. [XII.] Every person or firm engaged as merchant tailors or as shoemakers, a tax of $20; Provided, that no tailor or shoemaker, engaged solely in manufacturing material furnished by customers, shall be liable for a tax.

ART. 405. [XIII.] Every keeper of a restaurant or eating house, where spirituous, vinous or malt liquors are not sold, except to guests at meals or repasts, fifty dollars. Every restaurant or eating house, where spirituous, vinous or malt liquors are not sold or furnished, thirty dollars.

ART. 406. [XIV.] Every cotton press or association of cotton presses, a tax of two hundred dollars, for each press used and operated. Every wharf company association, a tax of two hundred dollars. Every city railroad company, a tax of one hundred dollars. Every gas company a tax of one hundred dollars; and every chartered real estate company a tax of two hundred dollars.

ART. 407. [XV.] Every person or firm keeping a retail grocery store, where spirituous, vinous or malt liquors are sold in quantities of not less than an ordinary wine bottle, a tax of thirty dollars.

ART. 408. [XVI.] Every person or firm doing business as a commission merchant, or produce or merchandise broker, whose gross sales and purchases added, exceeded then the sum of $1,500,000 for the year preceding the application for a license, a tax of one hundred and fifty dollars. Every such person or firm, whose sales and purchases added, was as much as the sum of seven hundred and fifty thousand dollars for the year preceding the application for a license, and did not exceed the sum of one million five hundred thousand dollars, a tax of a hundred dollars; and every such person or firm, whose sales and purchases did not exceed the sum of seven hundred and fifty thousand dollars for the year preceding the application for license, a tax of seventy-five dollars; Provided, that every person or firm commencing the business of commission merchant, or produce and merchandise broker, after the passage of this Ordinance, shall pay a tax of only seventy-five dollars for the first year.

ART. 409. [XVII.] Every person or firm doing business as a ship or steamboat agent, a tax of thirty dollars.

ART. 410. [XVIII.] Every person or firm doing business as an auctioneer, and selling real estate or mixed property at public out-cry, a tax of seventy-five dollars.

ART. 411. [XIX.] Every person or firm doing the business of shipping master, a tax of twenty-five dollars.

ART. 412. [XX.] Every person of firm doing a wholesale and retail coal business, a tax of forty dollars; and every person or firm doing a wholesale wood or charcoal business, shall pay a tax of twenty dollars; Provided, that no tax shall be levied on any person selling wood or charcoal from vessels in the bay, or from railroad cars running into the city.

ART. 413. [XXI.] Every person or firm doing business as a ticket or freight agent for a railroad company, not located in this State, a tax of forty dollars.

ART. 414. [XXII.] Every real estate agent or house broker, a tax of twenty-five dollars.

ART. 415. [XXIII.] Every person or firm engaged as a cotton or other produce weigher, a tax of twenty-five dollars.

ART. 416. [XXIV.] Every person or firm engaged in bottling vinous or malt liquors, not for consumption on the premises, a tax of twenty-five dollars.

ART. 417. [XXV.] Every keeper of a warehouse, solely for storage of merchandise, a tax of thirty dollars.

ART. 418. [XXVI.] Every keeper of a billiard or other like table, for public use, a tax of twenty dollars for each and every table so kept; and every keeper of a tenpin alley, a tax of thirty dollars for each and every alley so kept for public use. Every keeper of a pistol or rifle gallery, a tax of twenty-five dollars.

ART. 419. [XXVII.] Every undertaker's establishment, a tax of twenty-five dollars.

ART. 420. [XXVIII.] Every person or firm keeping a lumber yard, shall pay a tax of sixty dollars. Every person or firm dealing in doors, sash or blinds, a tax of forty dollars, Every person or firm dealing in carriages, buggies, etc., a tax of fifty dollars.

ART. 421. [XXIX.] Every person or firm keeping a barber's shop, shall pay a tax of five dollars for every chair employed in his business.

ART. 422. [XXX.] Every millinery establishment, where any articles of goods, wares and merchandise are sold, shall pay the retail merchandise tax; but if said goods, wares and merchandise are made up in the establishment, the tax shall be twenty dollars.

ART. 423. [XXXI.] Every pedlar, hawker, or itinerant dealer in merchandise, of any character whatever, a tax of fifty dollars; Provided, that no license shall issue to any vender of so-called prize packages, of any kind; but they are prohibited.

ART. 424. [XXXII.] Every keeper of a stand where oysters are opened and sold, a tax of fifteen dollars.

ART. 425. [XXXIII.] Every keeper of an intelligence office, a tax of twenty dollars.

ART. 426. XXXIV.] Every person keeping a hall for concerts, assemblies, balls and public meetings, letting out the same for hire, a tax of fifty dollars.

ART. 427. [XXXV.] The tax on drays, furniture carts and grocery wagons, drawn by not more than one animal, shall be fifteen dollars; and the cost of numbering not to exceed twenty-five cents. The tax on milk wagons and carts, market wagons and carts, and butcher wagons and carts, shall be eight dollars; and cost of numbering not to exceed twenty-five cents. The tax on trucks and other four-wheeled vehicles, used for the transportation of merchandise, baggage, etc., and drawn by two animals, shall be thirty dollars; and the cost of numbering not to exceed twenty five cents; Provided, that any such vehicle when drawn by more than two animals, shall pay an additional ten dollars for each and every such additional animal. The tax on hacks and omnibuses used for the transportation of persons, for hire or for the use and convenience of the guests of hotels, shall pay a tax of twenty dollars. Every buggy used for hire shall pay a tax of ten dollars; and the cost of numbering not to exceed twenty-five cents. The tax on private carriages, kept for private use, and drawn by two or more horses, shall be ten dollars; and for all vehicles used for private purposes and drawn by one horse, five dollars. All drays, carts, trucks, market wagons, grocery wagons, milk carts and butcher's wagons, shall have affixed to them a number painted on a plate, corresponding to the number of the license, and the color of said number shall be annually changed, and all omnibuses and public hacks shall have painted on the side lights, a number in colors to be designated annually by the City Treasurer, corresponding to the number of the license for such vehicle, and all private carriages and buggies shall have affixed to them, under the cushion, a numbered plate, the color to be changed annually.

ART. 428. [XXXVI.] All licenses provided for in the foregoing section, shall run from 1st day of January one year, to the 1st day of January of the next year; Provided, that such license may be issued at any time during the year for the unexpired portion thereof, upon a payment of a proportionate sum of the annual tax.

ART. 429. [XXXVII.] Every transient theatre, circus, or other public exhibition of like character, shall pay, in advance, a tax of ten dollars for each day, and the Mayor shall have the right to designate where such transient exhibition shall be given, and also the right to remove the same if by him deemed proper; and every person who shall keep

or exhibit such transient theatre, circus, or other public exhibition of like character, without first having obtained a license therefor, shall be fined not less than twenty dollars for every day of said exhibition. Every itinerant player on a hand organ or other musical instrument, a tax of ten dollars per month.

ART. 430. [XXXVIII.] Every person selling goods, wares or merchandise by sample, print, cut, card or otherwise, shall pay a tax of $100 per annum.

ART. 431. [XXXIX.] Every practicing attorney or lawyer, physician, photographer, dentist, and conveyancer, not being an attorney, a tax of $20.

ART. 432. [XL.] Every keeper of a stable, where horses, mules, carriages, buggies or other vehicles are kept on livery or hire, or for sale, $1 for each stall of five feet.

ART. 433. [XLI.] Every claravoyant, astrologer, fortune teller, keeper of a gift store or enterprise and (cup tasser,) a tax of $100.

ART. 434. [XLII.] Every person keeping a store or stall for the sale of butcher's meat, or game or vegetables, a tax of $25 00; Provided, that all such establishments shall be under the immediate supervision of the Health Officer, and for any failure to observe due health regulations, the Mayor may at any time, revoke such license; Provided, further, that no butcher or other dealer occupying a stall in any of the public markets shall be required to pay a license tax.

ART. 435. [XLIII.] Every person, keeping a stand, stall or store, for the sale of game, vegetables, fruits, coffee and other like articles of food at any other place than the public markets, a tax of $25.

ARR. 436. [XLIV.] Every machine shop or foundry, in operation a tax of $50; and every planing machine and rail and blind factory combined, run by steam, a tax of $30.

ART. 437. [XLV.] Every person keeping a soda fountain, or ice cream saloon, not in connection with a confectionary establishment or other mercantile business, a tax of $20.

ART. 438. [XLVI.] All bar-rooms, coffee houses, or grog shops, where spirituous, vinous or malt liquors are sold in quantities less than an ordinary wine bottle, shall be divided into the following classes, and shall pay the license respectively fixed thereto, viz:

1st Class, Those whose sales of liquors exceed the sum per annum of $10,000, a tax of $200.

2nd Class, Those whose sales are less than $10,000 and over $5,000 per annum, a tax of $125,000.

3rd Class, Those whose sales are less than $5,000 per annum, a tax of $75.

All persons applying for a license under this Section, shall file with the Treasurer, an oath duly subscribed before some officer authorized to administer oaths, stating the amount of sales for the preceding year, or part of year, and the amount of such license shall be determined by the amount of such sales, so shown by the affidavit; Provided, all licenses issued under the terms of this Ordinance to establishments commencing business, shall be at the least sum named.

ART. 439. [XLVII.] Every flying horse, velocipedrom or other like thing, and every hotel, steamboat or railroad runner, a tax of $10.

ART. 440. [XLVIII.] Every person, firm, or member of firm, pursuing one or more occupations, callings or professions, liable to a license tax under the terms of this Ordinance, shall procure a license for each and every occupation, calling or profession, that he or they may engage in.

ART. 441. [XLIX.] No person or firm shall pursue any business, calling, or profession, taxed by the terms of this Ordinance, without obtaining before commencing such business, &c., a license from the proper officer, and it shall be the duty of such person to post or hang up in his or their office or place of business such license, and a failure to obtain such license shall make the person or firm so failing, (except in the case provided for in the first clause of Section XXXVII, of this Ordinance,) liable to a fine of not less than one-half the annual tax, which he, she or they should have paid, which fine shall be imposed for each and every month that said license tax shall remain unpaid after the first conviction, on due complaint and conviction before the Recorder; and one-half of the penalty so adjudged shall go to the informer, and shall be so ordered by the Recorder; and any person failing to pay such fine so adjudged, shall be imprisoned for a period not less than five or more than thirty days; Provided, that nothing herein contained, shall be so construed as to inhibit the city from proceeding against any defaulting license tax payer, in a civil suit before a court of competent jurisdiction, for the recovery of such default.

ART. 442. [L.] Every person or firm making application for a license under the terms of this act, wherein the sum of such tax is determined by the sum total of business transacted for the previous year, or by the number of guests that can be accommodated, (as in case of hotels) or by the character of sales, which shall determine whether or not a person or firm is a wholesale or retail dealer, shall deposit

with the Treasurer an affidavit made before proper authority, as to the facts necessary to determine the amount of tax.

ART. 443. [LI.] It is hereby made the special duty of all regular police officers of this city to diligently search for and make due complaint before the Recorder, against all persons doing business without a license and being liable for the same.

Approved July 1, 1871.

ART. 444. [I.] The Treasurer of the City shall receive all dues for license taxes, and all persons owing a license tax shall call upon the Treasurer and pay to him the sum due, as a license tax on any business, calling or profession, proposed to be engaged in; and it shall be the duty of the Treasurer to issue to such person or firm a receipt for the sum of money so paid, specifically setting forth, date, name of person or firm, street, and number of business place, and business calling or profession, except in the case of vehicle license, when the receipt shall set forth the place of residence of the person so paying for a license.

See Sec. 2, Art. IV, Title V, of the Charter.

ART. 445. [II.] All receipts, issued under the provisions of the foregoing section, shall be presented to the Mayor, and such receipt shall be the Mayor's warrant for issuing a license to the person or firm so surrendering the Treasurer's receipt; and it shall be the duty of the City Clerk to countersign all licenses signed by the Mayor; and the Clerk shall also, in a book to be provided for the purpose, keep a correct record of all licenses so issued, specifically setting forth date, number, name of person or firm, place of business, calling or profession, and the sum received for such license, and he shall also collect a fee of fifty cents for each license so issued and recorded.

ART. 446. [III.] The Treasurer shall make monthly detailed reports to the Board of Aldermen of all sums of money collected by him as license dues, and he shall furthermore be charged with the duty of leasing the stalls in the public Markets, as provided by law; and he shall, as soon after the annual renting of said stalls as may be practicable, furnish to the Board of Aldermen a detailed statement of leases made, and shall monthly furnish to the Board of Aldermen a detailed account of all market rents collected.

ART. 447. [IV.] The City Clerk shall not deliver to any person or persons any dray license, or other vehicle license, until such person or persons shall have executed such bond as the laws or Ordinances of the city may require, to the satisfaction of the said Clerk, and all bonds so executed shall be filed in the Clerk's office.

Approved June 20, 1871.

ART. 448. [I.] There is hereby levied for general purposes, for the current municipal year, on all property, real

and personal, held and owned within the limits of said city, a tax of one (1) per centum upon the assessed value of the same.

See Titles V and VI, of the Charter.

ART. 449. [II.] There is hereby levied, for the purpose of paying the interest on the Bridge debt, and to create a sinking fund to retire the same, a tax of one-quarter of one per cent. on the assessed value of all property, real and personal, held and owned within the limits of said city; Provided, that no tax is levied by this or the preceding section on any property exempt from taxation by the terms of the Constitution of the State of Texas or the City Charter.

ART. 450. [III.] That a poll tax of one dollar is hereby levied on all male persons twenty-one (21) years of age, and upwards, and resident of this city one year preceding the first day of March, 1871.

ART. 451. [IV.] The Assessor be, and he is hereby authorized and directed, to proceed at once to assess the tax as herein levied; Provided, that said tax shall be assessed on all property as herein provided, held or owned within the limits of said city on the first day of March last.

CHAPTER XLI.

DUTIES OF TREASURER.

Approved June 7, 1869.

See Chapt. on License Tax.

ART. 452. [I.] It shall be the duty of the City Treasurer to make an entry of all amounts received by him, and from whom collected, in a book to be kept for that purpose, and he shall weekly examine the books of the various collecting officers of the city.

See Art. IV, Title V, and Art. XI, of Title 3, of the Charter.

The books of all collecting officers shall be opened to the inspection of the Treasurer at any time, who, if he shall find any irregularities or improper entries, or omissions to credit collections, shall report the same to the Board of Aldermen for their action.

ART. 453. [II.] The Treasurer shall keep a full set of books, such as are kept by a Banker—"Cash Book," "Journal," and "Ledger"—and shall keep an account with each appropriation made, with its disbursements, and when any appropriation is exhausted, shall report the same to the proper Committee. The Treasurer shall pay no drafts not drawn on some specific appropriation, and the appropriation shall appear on the face of the draft.

Approved Dec. 31, 1856

ART. 454. [I.] The City Treasurer, before he enters upon the duties of his office, shall take and subscribe an oath, before the Mayor, or any Justice of the Peace resident in the city, that he will well and truly and faithfully discharge the duties of his office, and shall also enter into bond, with

two good securities, payable to the City of Galveston, in the penalty of fifty thousand dollars, conditioned for the faithful discharge of the duties of his office.

ART. 455. The Treasurer is prohibited from directly or indirectly [using] the public money, funds, or property, in his charge, for his own use or benefit, and from permitting it to be used by, or for, any other person, unless authorized to do so by some Ordinance, resolution, or order, of the Council; and for violation of this Section, he shall be liable to be removed from office.

CHAPTER XLII.

WARDS.

Passed Feb. 20, 1860.

ART. 456. [I.] The City shall be, and is hereby divided, into four Wards.

See Sec. 1, Art. III, Title X, of the Charter.

ART. 457. [II.] The First Ward shall be all that part of the city lying Eastwardly of the central line of Nineteenth street.

ART. 458. [III.] The Second Ward shall be that part of the city lying between the central line of Nineteenth street and the central line of Twenty-third street.

ART. 459. [IV.] The Third Ward shall be all that part of the city lying between the central line of Twenty-third street and the central line of Thirty-first street.

ART. 460. [V.] The Fourth Ward shall be all that part of the city lying West of the central line of Thirty-first street.

CHAPTER XLIII.

CONCEALED WEAPONS.

Approved Dec. 18, 1865.

ART. 461. From and after the passage of this Ordinance it shall not be lawful for any person or persons (United States military and civil officers of the county and city of Galveston excepted,) to carry about his or their person or body, any concealed deadly weapon, under whatever name or character the same may be designated and called, under a penalty of not less than ten nor more than one hundred dollars, and imprisonment of not less than five days nor more than fifteen days, at the discretion of the officer before whom such person is tried, for each offence, recoverable before the Recorder or any Justice of the Peace.

It shall be, and is hereby made the special duty of the Chief of Police, and each of the Police of the city, to see that

the provisions of this Ordinance are rigidly enforced; and they are employed, whenever they have reason to believe that any person has about him any deadly weapons, (and such person refuses to make a satisfactory report of himself,) to arrest such person, and take him before the Recorder, or other proper officer, for examination; and if it be found, on examination, that such person has such weapon about him, the whole penalty imposed under the first Section of this Ordinance shall be imposed by the Recorder, or such other proper officer; but should it turn out that the person arrested thus, and taken before the Recorder, or other proper officer, has no such weapon, he shall be released without paying a fine—but he or they shall not receive the benefit of any damages for the arrest, having incurred the penalty of arrest under this Ordinance by refusing to furnish to the officer who arrested him satisfactory evidence of his not having such concealed weapon about him.

See Sec. 13, Art. III, Title IV, of the Charter.

CHAPTER XLIV.

CITY WELLS.

ART. 462. [I.] Whereas, it has become the habit of persons using the City Wells, to leave the same open, without covering the same with the coverings provided by the city; Therefore, be it ordained by the Mayor and Board of Aldermen, in Council convened, That any person or persons who shall uncover said Wells, except in case of fire in the neighborhood, or by order of some officer of the Fire Department, or city officer, shall be subject to a fine of not less than ten dollars, nor more than ($50) fifty dollars, to be recovered before the Mayor or Recorder of this city, in due course of law.

Approved July 23, 1866. Sec. 6, Art. III, Title IV, of the Charter.

CHAPTER XLV.

WHARVES.

ART. 463. [I.] It shall not be lawful for any dray, cart, wagon, or coach, or other vehicle for the transportation of persons, produce, merchandize, effects, or any other objects whatever, or any person on horseback, to drive or ride on any of the Wharves of this city faster than a walk; and any person so offending, shall pay a fine of not less than three nor more than ten dollars.

Passed July 6, 1857.

ART. 464. [I.] Whereas, at the recent session of the Legislature of the State of Texas, a law was enacted entitled

Approved Sept. 14, 1870

"An Act granting to the Galveston Wharf Company the right to make railroad connection with their Wharves and the rail road entering the City of Galveston," passed August 4th, 1870; Therefore, be it ordained by the Mayor and Aldermen of the City of Galveston in Council convened. That the right of way for said railroad is hereby granted, and that the said Galveston Wharf Company may have, and exercise, all the rights, privileges, and powers, conferred by said Act; Provided, that said road shall be constructed in such manner as not to obstruct the free passage of the streets on land South of Avenue A, and that the City authorities shall, at all times, have such authority as will compel a due observance of this condition.

APPENDIX.

Ordinances Passed and Approved after the Compilation of the Code, and before the 3d day of April, 1872.

CHAPTER XLVI.

ALLEYS.

WHEREAS, the alley ways, running through the several blocks of the City of Galveston, according to the plan of the city, are more especially for the accommodation and convenience of the owners of lots abutting upon the same, as affording a private entrance into said lots, and they have been, and are so used; Therefore,

ARTICLE 465. [I.] Be it ordained by the City Council of the City of Galveston: That whensoever the Health Physician, for sanitary reasons, shall direct the filling up of any alley within the limits of this city, or whensoever the Superintendent of Streets shall deem the same necessary, for purposes of drainage or of travel, the said Superintendent shall call upon the City Engineer to establish the grade of such alley, who shall so regulate the same that the water shall flow from the middle of said alley to the ends thereof, and into the gutters of the adjacent streets.

See Chapts. 37 and 38.

ART. 466. [II.] That it shall be the duty of the Superintendent of Streets, after the grade of any alley or alleys shall have been established, at his request, by the City Engineer, to notify in writing the several proprietors of lots or parts of lots, abutting upon said alley or alleys, to fill up the same in conformity with said grade; and if, upon the inspection of the Committee on Streets, it shall be their unanimous opinion that any alley, from its location or frequent use, should also be covered with shell, then the Superintendent of Streets shall notify the proprietors of lots or parts of lots abutting upon said alley to cover the same, when raised to the proper grade, with a sufficient coating of shells, under the supervision of said Superintendent of Streets.

See Title IX, of the Charter.

ART. 467. [III.] That if any proprietor of a lot or part of a lot, after being duly notified in writing, as afore said, to

fill up the alley to the centre thereof, in rear of his or her property, shall refuse or neglect to do so for the space of thirty days, he or she shall, upon information and conviction in the Recorder's Court, be fined in the sum of five dollars for every week, after the said thirty days, that he or she shall so refuse or neglect; and if he or she shall continue to refuse or neglect to comply with the requirements of this Ordinance for sixty days, after due notice as aforesaid, then he or she shall pay a fine of ten dollars for every week thereafter that he or she may so refuse or neglect.

ART. 468. [IV.] That if any proprietor of a lot or part of a lot, coming under the provisions of this Ordinance, be a non-resident, the notice provided for in the 2d section hereof shall be served upon his or her agent and attorney, and if there be no known agent or attorney of said non-resident proprietor, or if the owner be unknown, then it shall be the duty of the Superintendent of Streets to fill up to grade, and shell, if the case requires it, such part of the alley as should be graded and shelled by the owner who is unknown, or a non-resident without any known agent, and keep an exact account of the cost thereof, one copy of which account he shall file with his next monthly statement of expenditures in his department, and another copy of which, duly certified by himself, he shall deposit with the Assessor; and the said account shall be a lien upon said lot or part of a lot, and entered upon the assessment roll against the same, and be included in the first succeeding tax bill, and collected at the same time and in the same manner as the advalorem tax upon the said lot or part of a lot is, or shall be collected by law.

ART. 469. [V.] Be it further ordained, That whenever the proprietor, or all the proprietors of the lots of any block, desire to close the alley in said block, he, she or they be, and are hereby permitted to do so, on application to the Mayor, signed by all the parties; Provided, that if, at any time thereafter, any of the proprietors of lots in a block, whose alley has been closed, shall desire the same to be reopened, then it is reserved for the City Council of the City of Galveston to order the reopening of the same, due and sufficient notice having been first given to the parties to be affected by it, before the final action.

ART. 470. [VI.] That nothing in this Ordinance contained shall be so construed as to permit the placing of any obstruction whatever in any of the alleys of this city, unless the said alley shall have been previously closed under the provisions of the preceding section; but the said obstructions of whatever nature, shall be unlawful, and the party offending shall be liable to pay a fine not exceeding ten

dollars for each offense, in the discretion of the Recorder; and each day's continuance of said obstructions, after due notice to remove the same, shall be deemed a separate offence.

ART. 471. [VII.] That all Ordinances, or parts of Ordinances, heretofore passed, concerning alleys, be, and the same are hereby repealed, and that this Ordinance go into effect from and after its due publication. Approved Feb. 31, 1872.

CHAPTER XLVII.

CITY BONDS—FOR IMPROVEMENT OF STREETS.

Authorizing the Issue and Sale of One Hundred and Fifty Thousand Dollars of the Bonds authorized by the Act of the Legislature of the State of Texas, approved December 2d, 1871, to Improve the Streets by Grading, Shelling and Repairing the same, and Building Culverts and Breakwaters, and to Create a Fund to Pay the Interest and Principal of said Bonds.

ARTICLE 472. [I.] Be it ordained by the City Council of the City of Galveston, That the Mayor of this city be, and he is hereby authorized, to have engraved or printed coupon bonds of the City of Galveston, with semi-annual coupons attached, which bonds shall be styled Galveston City bonds for Street Improvement. Approved Feb. 15, 1872.

ART. 473. [II.] The total amount of bonds, issued by and under the authority of this Ordinance, shall not exceed the sum of one hundred and fifty thousand dollars, and the bonds so issued shall bear date March 1st, A. D. 1872, and shall be due and payable as follows, viz: thirty thousand dollars, two years after date; thirty thousand dollars, three years after date; thirty thousand dollars, four years after date; thirty thousand dollars, five years after date; and thirty thousand dollars, six years after date; and shall bear interest at the rate of ten per cent. per annum: interest payable semi-annually; on the first days of March and September, of each year, on presentation of coupons to the City Treasurer, at his office, in the City of Galveston; and the principal shall likewise be payable at the office of said City Treasurer, on maturity of the bonds. As amended by Ordinance approved March 6, 1872.

ART. 474. [III.] The bonds herein authorized shall be payable to ——— ——— or bearer, and the same shall be signed by the Mayor, and countersigned by the City Treasurer, and recorded in the office of the City Clerk, in a book to be kept for that purpose; and there shall be affixed to said bonds the corporate seal of the City of Galveston.

ART. 475. [IV.] Be it further ordained, That said bonds shall be issued in sums of one hundred dollars each, or any multiple thereof, not exceeding five thousand dollars in any one bond.

ART. 476. [V.] All street improvements made with the funds realized out of the sale of the bonds herein authorized, shall be in strict conformity with the terms of Title IX of the City Charter, special reference being had to the provision authorizing assessments and collections on the property adjoining any street or streets improved.

See Sec. 4, Art. III, Title IV, of the Charter.

ART. 477. [VI.] In order to provide for the annually accruing interest on the bonds herein authorized, and to create a sinking fund to pay said bonds, at or before maturity, there is hereby appropriated all sums of money realized from assessments made on the property adjoining any street or streets improved, out of the sale of bonds herein authorized; and all sums so assessed and collected shall be paid to the City Treasurer, and he shall pass the same to the credit of a fund to be styled "Interest and Sinking Fund of Galveston City Bonds for Street Improvement;" Provided, further, That, in addition to the foregoing special appropriation, there is hereby annually appropriated out of all funds pertaining to the general revenue of the City of Galveston, eleven per cent., which appropriation shall extend to, and be inclusive of the municipal year of 1877; and the Treasurer is hereby directed to pass the said per centum on all payments, as made to him by the collecting officers of the City, to the credit of the fund hereinbefore designated, until the fund so created and provided, together with special assessments herein made a part of this fund, shall equal the sum total of interest and principal accruing and maturing in any one year, when he shall cease to make such transfer from the general fund.

ART. 478. [VII.] When there shall remain in the hands of the Treasurer, of the fund created by the foregoing section, an amount not less than two thousand five hundred dollars, and in excess of the next semi-annual payment of interest, it shall then be the duty of the Mayor to advertise proposals to redeem the bonds authorized by this ordinance to the extent of the sum so available; and should the bonds not be offered on terms satisfactory for redemption, it shall then be the duty of the Mayor, in conjuction with the Finance Committee, when the amount has accumulated to the sum of not less than five thousand dollars over and above sufficient to pay the next accruing semi-annual interest, to invest the same in United States bonds, which bonds shall be deposited with the Treasurer, and the same shall not be

used, or applied, except to pay the interest and principal of the debt created by this Ordinance.

ART. 479. [VIII.] Any application of the fund created by the sixth section of this Ordinance, other than that provided for in the sixth section hereof, by the Mayor and Board of Aldermen, or the Treasurer, shall make them individually liable to all the penalties contained in Section 4, Article 3, Title 4, of the City Charter.

ART. 480. [IX.] The Mayor and Finance Committee shall provide for the negotiation, sale, or placing of the bonds herein authorized.

ART. 481. [X.] Be it further ordained, That this Ordinance shall go into effect from and after its passage.

CHAPTER XLVIII.

LUMBER INSPECTORS—DUTIES AND POWERS.

WHEREAS, Title 4th, Article 3, Section 25, of the City Charter, authorizes the City Council to provide for the inspection and measuring of lumber, shingles, timber, posts and all kinds of building materials, and for the appointment of one or more Measurers, or Inspectors or Measurers thereof;

ARTICLE 482. [I.] Therefore, Be it ordained by the City Council of the City of Galveston, That there be, and is hereby created, an office for the suitable classification of all lumber offered for sale within the corporate limits of the City of Galveston, whenever desired by the parties interested in the sale or purchase of the same.

ART. 483. [II.] There shall be appointed by the Mayor, with the approval of the City Council, a competent person to fill the office of Lumber Inspector and Measurer, who shall have the power to appoint one or more deputies, subject to the approval of the Board of Aldermen, to act in that capacity, whose duty it shall be to inspect, class, and measure all lumber, when called upon by either the buyer or seller thereof, or both, in the City of Galveston, and determine and establish the quality and quantity thereof, in accordance with the standard of measurement which has been, or may hereafter be adopted by the City Council.

ART. 484. [III.] Such officer and deputies shall be sworn to the faithful performance of the duties of their office, and shall be duly commissioned by the Mayor. The Inspector and Measurer shall keep an office in the city and give proper notice where he may be found.

ART. 485. [IV.] Said officer shall keep a proper record book, wherein he shall make an entry of all lumber inspected,

classed and measured by him, giving date thereof, and the names of the persons for whom such work is performed, and give to each party a certificate thereof, when required; and re-mark all lumber, when by measurement he or they shall find the same incorrect.

ART. 486. [V.] The fees for his services shall be, for classing, measuring and inspection at the rate of fifty cents per thousand feet for the inspection and measurement of lumber, and fifteen cents per thousand for shingles, which shall be paid by the party or parties requesting such classing, inspection or measurement.

ART. 487. [VI.] Before entering upon the duties of his office, the Inspector shall give a bond, and good, solvent, security, in the sum of one thousand dollars, for the faithful performance of his duties.

ART. 488. [VII.] All Ordinances, or parts of Ordinances, conflicting with any of the provisions of this Ordinance, shall be, and the same are hereby repealed.

ART. 489. [VIII.] That this Ordinance shall go into effect and be in force, from and after its passage.

NOTE.—Passed March 28, 1872. Three days having elapsed since the passage of this Ordinance, without action on the part of the Mayor, it has, under Article 6, Section 1, Title 3, of the City Charter, become a law without his approval.

CHAPTER XLIX.

OFFICERS — DEFINING DUTIES IN RELATION TO IMPROVEMENT OF STREETS.

Approved April 2, 1872.

ARTICLE 490. [I.] Be it ordained by the City Council of the City of Galveston, That no street improvement, by grading and shelling or paving, shall be undertaken until the Board of Aldermen has, by special resolution, defined the street or streets so to be improved, also the particular kind of improvement to be made, whether by grading and shelling, or paving; and in all such proposed improvements two-thirds of the Board of Aldermen present shall concur.

See Chapt. 37, on streets, Side-Walks and Alleys.

ART. 491. [II.] When any improvement of a street or streets has been determined upon, in the manner provided for in the foregoing section of this Ordinance, it shall then be the duty of the City Engineer to make a careful survey of the street or streets so to be improved, and he shall also make a careful estimate of the cost of such improvement, and shall assess two-thirds of the estimated cost of such work on the real property immediately adjoining and being on either side of such street or streets, not counting the intersection of streets; and the assessments so made shall

be returned to the Board of Aldermen on duplicate rolls, and such rolls shall define the number of the lot or part of lot, and also the number of the block or blocks, and shall give, in detail, the name of the owner or owners of such lots or parts of lots, if to be ascertained, together with the sum so assessed on each lot or part of lot, which assessment and roll shall be approved by the Board of Aldermen, and when so made and approved, shall be held to be a valid assessment on the lot or part of lot named; and such assessment so made shall be divided into five (5) equal parts—the first of which shall be due and payable on completion of the work, and the others annually thereafter, with interest at the rate of ten (10) per cent. per annum, and the interest shall run to the time of collection of each annual installment of principal.

Art. 492. [III.] When rolls have been made and approved, as provided for in the foregoing section of this Ordidance, that the City Clerk shall then certify the same, one of which shall remain in the Clerk's office, and the other shall be deposited in the office of the Collector of City Taxes, who shall proceed to the collection of assessments and interest as it falls due, giving to the owner or owners, his, her or their agent, thirty (30) days' written notice that such assessment and interest will be due and payable; and should any persons fail to pay promptly such assessment and interest, it shall then be the duty of the Collector of Taxes to furnish to the City Attorney a certified copy of the assessment, whereupon he shall enter suit against such delinquent in any court of competent jurisdiction to enforce collection, under the authority and pursuant to the provisions contained in Sec. 1, Art. 14, Title VI, of the City Charter, which collections, when so made, shall be returned to the Collector of Taxes; and the said Collector shall pay over to the Treasurer monthly all collections of assessments, and interest, made by him, and shall make monthly a detailed report of such collection of assessments and interest to the Board of Aldermen; and it shall be the duty of the City Clerk to enter such payment reported opposite the name of the person or persons assessed on the rolls in satisfaction of the assessment.

Art. 493. [IV.] Be it further ordained, That an Ordinance "Requiring the Superintendent of Streets to report to the City Council a list of all lots adjoining or fronting on Avenues and Streets which have been, or shall hereafter be, Improved by Shell," approved 9th of January, 1872, be and is hereby repealed.

CHAPTER L.

QUARANTINE AND HEALTH REGULATIONS.

Approved March 5, 1872

ARTICLE 494. [I.] Be it ordained by the City Council of the City of Galveston, That the Health Physician of the City of Galveston shall be also Quarantine Physician of said city; and it shall also be his duty to keep himself advised of the existence of any pestilential, contagious or infectious diseases at ports from which vessels may arrive, at or be about to sail for the port of Galveston, and to require any such vessels to stop at the Quarantine Station now established; and any master of a vessel violating the order of the Quarantine Physician, shall be fined in a sum not less than one hundred nor more than three hundred dollars, or by imprisonment for three months, or both, at the discretion of the Recorder.

See Chapt. XXXIII, on Sanitary regulation.

Chapter XXXII, on Quarantine.

ART. 495. [II.] Be it further ordained, That the pilots of this port shall notify all vessels coming from ports, declared infected by the Quarantine Physician, of the existence of the order, and shall bring such vessels to anchor at the Quarantine Station, or outside the bar, for examination by the Quarantine Physician; and no vessel, from any infected port, shall be brought to the city by the pilots, or beyond the Quarantine Station, without permit from the Quarantine Physician, and any violation of this provision, by any pilot, shall subject said pilot to a fine of one hundred dollars.

ART. 496. [III.] The captain, master, or person in charge of any boat, steamship, or other craft or vessel which shall come past the Quarantine Station, having on board thereof any person sick with malignant fever, small-pox or other pestilential, contagious or infectious diseases, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred, nor more than three hundred dollars, and imprisonment not less than thirty days.

ART. 497. [IV.] It shall be the duty of such captain, master, or person in charge, within three hours after his arrival at Quarantine, to report, in writing, to the Quarantine Physician the fact of such sick person being on board, and the name and description of his craft; and he shall not permit such sick person to land, or be landed, or to communicate with the shore in any way, until the Health Physician shall give permission; and any neglect or violation of this provision shall be punished by fine, not less than one hundred dollars.

ART. 498. [V.] The owner, driver, conductor, or person in charge of any stage, car, or public conveyance, which shall enter the city, having on board any person sick of a malignant fever, small-pox, or other pestilential, contagious

or infectious disease, unless such person became sick on the way, and could not be left, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than fifty nor more than one hundred dollars; and if any person, so sick, shall be brought into the limits of the city by any public land conveyance, the owner, driver, conductor, or person in charge, shall, within three hours, report in writing, the facts, with the name of the person, and the house where he was put down in the city, to the Health Physician; and any person neglecting to comply with this provision, shall, on conviction, be punished by a fine not less than fifty, nor more than one hundred dollars.

ART. 499. [VI.] Any person, who shall bring, or cause to be brought into the city any person, or property of any kind, tainted or infected with malignant fever, small-pox, or other pestilential or infectious disease, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than one hundred dollars, nor more than three hundred dollars, and in default of payment, shall be committed to jail, and be required to work out said fine on the public streets, under the direction of the Street Commissioner, at the rate of two dollars for each day's work.

ART. 500. [VII.] The Health Physician shall have power, by an order in writing for that purpose to be served on the master, captain, or person in charge of any boat, steamboat, steamship, or other ship, vessel or craft that may be suspected by him to have on board any infected or diseased person or property, to require such boat, vessel, or other craft, to be removed to some certain distance, not less than two miles from the city; and every such master, captain or person in charge of such boat or vessel, who shall fail to remove the same, after being so notified, within five hours from service of notice, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than fifty dollars for each day he shall fail to obey said order, and each day's violation of such order shall be deemed a separate offence.

ART. 501. [VIII.] Every keeper of an inn, hotel, tavern, boarding or lodging house, in this city, who shall have in his house, at any time, any sick guest, traveler or sailor, or other person, shall report the fact, and name of the person, in writing, within six hours after he came to the house, or was taken sick therein; and neglect of this requirement shall subject the keeper of any such house to a fine, not less than ten nor more than fifty dollars.

ART. 502. [IX.] Each physician shall report, under his hand, to the Health Physician the name, residence, and disease of every patient whom he shall have sick of any

malignant fever, small-pox, or other contagious, infectious or pestilential disease, within six hours after he shall have visited said patient and ascertained the nature of his disease; and any neglect of this requirement by any physician, shall subject the party offending to a fine, of not less than five nor more than fifty dollars.

ART. 503. [X.] The Health Physician shall, when he is informed of the existence of any malignant fever, small-pox, or other pestilential, infectious or contagious diseases, in this city, cause the person effected to be taken to such place as he may designate, for treatment, and the place selected by the physician shall be and become a pest house, as authorized by Article 2, Title 8th, of the City Charter; and the Health Physician shall make, and he is hereby clothed with the power to make and enforce, all proper regulations to keep the diseased person isolated from healthy persons, and to prevent intrusion of parties not under his direction and control.

ART. 504. [XI.] All vessels, arriving at this port from ports declared infected by the Health Physician, shall be visited by him, and if said vessel has a clean bill of health from the port whence she sailed, and has had no disease on board during her passage, she shall be allowed to come to the city without detention; but in case she has not a clean bill of health from her port of departure, or has had sickness on board during the passage, or at the time of her arrival, she shall be detained at Quarantine, for such time as shall be designated by the Health Physician, and undergo such disinfection as he shall prescribe; and the Health Physician is hereby granted power to examine the master, under oath, as to the health of his vessel, and shall be entitled to demand, and receive, from each vessel visited by him, for the benefit of the Hospital and Quarantine Fund, the same charges as are authorized by the act authorizing Quarantine on the coast of Texas, approved August 13, 1870.

ART. 505. [XII.] That this Ordinance take effect and be in force, after the expiration of ten days after its publication.

CHAPTER LI.

AN ORDINANCE TO REGULATE CITY SURVEYS AND DEFINE THE DUTIES OF CITY ENGINEER.

Approved Jan. 21, 1867.

ARTICLE 506. [I.] Be it ordained by the Mayor and Aldermen of the City of Galveston, in Council convened, That the Mayor shall annually appoint, with the approval of a majority of the City Council, a City Engineer, who shall be a professional engineer, familiar with the use of

See Art. I, Title II, of the Charter.

the compass, transit, level and theodolite. He shall, before entering upon the duties of his office, execute a bond, payable to the City of Galveston, with two or more good and sufficient securities, in the sum of ten thousand dollars, to be approved by the Mayor, conditioned that said Engineer shall faithfully, correctly and efficiently discharge the duties of his office during the terms of his incumbency; he shall also take and subscribe to an oath of office, before some competent authority, to well and truly, and to the best of his skill and ability, discharge and perform the duties of said office. As amended July 19, 1871.

ART. 507. [II.] It shall be the first duty of the City Engineer to ascertain the established monuments of the city survey, and from them to extend the surveys of the City, and establish others as provided herein, and from them to locate, establish and survey all private property, and streets and alleys, within the corporate limits of the Corporation of Galveston, when called on or required so to do.

ART. 508. [III.] The original plan and survey known and designated as the "Groesbeck Survey," so far as marked by actual measurements, and so far as revived, re-established and determined by the surveys of Tipton Walker, Civil Engineer, under and by resolution and order of the City Council of Galveston, shall be and is hereby affirmed and established as the true city survey of the City of Galveston. The theory of survey and plot, as marked on Sandusky's Map, as to the dimensions of blocks and lots, and width of streets and alleys, is also confirmed in each and every particular, with the exception that the street known and designated as Avenue B, or Strand street, is eighty feet in width, instead of seventy feet, as marked thereon.

ART. 509. [IV.] It shall be the duty of the City Engineer to procure for his office and use, as property of the City, and at the expense thereof, two suitable record books, one to be used for the record and illustration, by suitable drawings of all city work done by him, pertaining to grades, streets, alleys, side-walks, sewers, drains, ditches, public squares, parks, water works, or any other public work; the other for recording all private surveys.

It shall be his duty to superintend the construction of five or more measuring rods, of twenty feet in length, of suitable wood, to have metal ferules at each end, and he shall graduate them according to the standard measurement of the Groesbeck Survey.

He shall have full control and custody of, and be responsible for, all the engineering instruments, drawings,

rulers, measuring rods, chains, record books, maps, plans, tables, office furniture, and all other property in any manner appertaining to the office of City Engineer, and shall receipt for them by inventory, and return them to the Mayor or City Council, or to his successor on leaving his office. Suitable rooms shall be furnished for his official use at the cost of the City.

It shall not be lawful for the City Engineer to be absent from the City at a longer period than one week during any given time, without special leave of absence from the Mayor. He shall have full power and authority to appoint a competent engineer as his deputy, whose certificate shall be official and binding in case of the chief's absence or disability. The said City Engineer shall be responsible, under his bond of office, for all official acts of his deputy; and said Deputy Engineer be required to take and subscribe to a like oath of office, before entering upon the discharge of his duties, as is hereby required of the Engineer and said Deputy Engineer, and file the same with the Clerk of the City Council.

ART. 510. [V.] That whenever called on by an owner, agent or lessee of any property within the corporate limits of said City, to survey lines or boundaries, said City Engineer shall, as soon as practicable, proceed to make the required survey thereof, measuring from the nearest established monument or initial points. Said Engineer shall also establish such other monument or initial points at the intersection of such streets as may be deemed necessary by the City Council, to remain as permanent monuments for future reference and guidance. Said monuments or initial points so established, shall not be altered or disturbed by any person or persons under a penalty of not less than fifty dollars, to be recovered before any court of competent authority.

ART. 511. [VI.] The City Engineer is hereby authorized to charge not exceeding two cents per running foot, for the measuring of any block, lot, or parcel of ground, counting from the nearest monument or initial point; Provided, that in no case shall the fees for surveying any one lot exceed the sum of twenty-five dollars.

ART. 512. [VII.] That the City Engineer shall run a sufficient set of levels, at least on alternate streets through the City, and project said levels on proper level paper, of uniform scale, with the view to the establishment of the proper grades and drainage of the City.

ART. 513. [VIII.] That, in giving the grade of a block or lot for any purpose, the Engineer shall mark the grades on or near the corner post or stake, in such manner that the refer-

ence may be had easily without their displacement. In running the lines of level, as above, the Engineer shall establish bench marks at all intersections, checking upon the same until they agree; he will also establish two or more permanent bench marks at mean high tide, for reference of his datum line for all levels. All bench marks shall be registered in the proper record book, and numbered with the number of the block upon which it is made.

As amended July 19, 1871.

ART. 514. [IX.] That the annual compensation for salary of said City Engineer shall be the sum of twelve hundred dollars, payable at the end of each month, in full payment for all field or office work done under orders from the Mayor and City Council, or proper committees, in addition to the actual expenses incurred in the employment of rodmen, and labor employed in prosecuting the work, except for surveying and establishing monuments or initial points, which shall be paid for at a rate not exceeding that herein specified for private surveys.

ART. 515. [X.] All accounts for corporation work must be certified to by the City Engineer, or his Deputy, and audited before payment.

ART. 516. [XI.] It shall be the duty of the Chief Engineer, and in his absence or disability the Deputy Engineer, to attend the meetings of the Council when required, and he shall report from time to time the condition and progress of all public works under his supervision and control, needing special attention, and also make suitable reports to the City Council when specially directed or required by the Mayor or City Council.

ART. 517. [XII.] That Chapter XV, of revised code of the City Ordinances, approved January 8th, 1857, entitled an ordinance, "concerning the office of the City Surveyor," be and the same is hereby repealed.

CHAPTER LII.

ON TAXES.

Approved March 5, 1872

An Ordinance to amend Sections first and fifty-first of "An Ordinance to establish an uniform rate of license taxes on professions, callings, and other business, occupations, and on carriages, hacks, drays, and other vehicles," approved July 5th, 1871.

ARTICLE 518. [I.] Be it ordained by the City Council of the City of Galveston, That the first section of the above recited Ordinance be so amended as to read as follows: "That from and after the passage of this Ordinance every person, or firm, or corporation, being engaged in, or about

to commence any of the professions, callings, or business occupations hereinafter named, shall pay a license tax, as herein specifically set forth; Provided, that all licenses heretofore issued shall be deemed and held to be good until such license shall expire by limitation; and Provided, further, that no license shall issue for a longer period than one year, or for a less period than three months, and shall not be transferable, except by permission of the City Council.

As amended by Ordinance approved March 29, 1872.

ART. 519. [II.] Be it further ordained, That the fifty-first section of the above recited Ordinance be so amended as to read as follows: "That it shall be the duty of the Treasurer to keep an accurate account of all persons pursuing any occupation for which a license is required by this Ordinance, in proper books, showing nature of occupation, amount of license, when paid, for what time and when due; and when any license tax falls due, he shall notify the person owing the same that the same is due, by a written notice delivered at his place of business, or through the post-office, stating in said notice the amount of tax, the date the same falls due, and the place where the same must be paid, and notifying the person to appear at his desk, within ten days from date of notice and pay said tax. Provided, that it shall not be necessary to give such notice to parties just commencing business, or to parties doing simply a transient business such as peddling, &c. And in case any person, owing a license tax, after being so notified, shall neglect to appear within the time specified in said notice, and pay the tax, and obtain his license, the said Treasurer, or his clerk, shall hand the name and residence of the defaulting tax payer to the Chief of Police of the city; and it shall be the duty of the Chief of Police, to whom said name and residence is handed, to make the proper complaint before the Recorder."

ART. 520. [III.] Be it further ordained, That the clause in Section 49, of the above recited Ordinance, appropriating one-half of the penalty, adjudged by the Recorder, to the informer, be and the same is hereby repealed.

ART. 521. [IV.] That this Ordinance take effect, and be in force, after due publication.

An Ordinance levying an ad valorem and poll tax, directing the assessment of the same, and making an appropriation of a portion thereof, and appointing a board of appraisement.

Approved April 2, 1872.

ART. 522. [I.] Be it ordained by the City Council of the City of Galveston, That there is hereby levied for general purposes, for the current municipal year, on all property,

real and personal, held and owned within the limits of said city on the 1st day of March, A. D. 1872, a tax of one (1) per centum upon the assessed value of the same; Provided, nevertheless, that this levy shall not extend to any property, or embrace any assessment upon any property, exempt from taxation by the Constitution of the State or the City Charter.

ART. 523. [II.] Be it further ordained, That a poll tax of one dollar is hereby levied on each and every male person who was twenty-one years of age and upward, and who was resident of this city on and for one year preceding the 1st day of March, 1872.

ART. 524. [III.] Be it further ordained, That three Commissions be appointed, by the Mayor with the approval of the City Council, who shall constitute a Board of Appraisement for the purpose of taxation, agreeably to the City Charter.

ART. 525. [IV.] All property held or owned as aforesaid within said city, shall be rendered for taxation by the owner, agent, controller or manager thereof, and the taxes hereby levied thereon, together with the said poll tax, shall be assessed, and collected, according to the terms of the City Charter, and such ordinance or ordinances as may hereafter be passed in relation thereto, and subject to such penalties as may be prescribed therein.

ART. 526. [V.] The City Treasurer shall, out of the one per centum tax hereby levied, lay aside and reserve one-fourth of the same as it shall pass into the treasury, until the amount thus laid by shall be sufficient to cover the principal and interest of all the "Bridge Bonds," (commonly so called) falling due and becoming payable within the present municipal year; and, also, one year's interest on all out-standing Bridge Bonds aforesaid; which amount so laid by, shall be held by the Treasurer as a special deposit for the purpose of making payments of the amounts desired to be covered as aforesaid.

ART. 527. [VI.] This Ordinance shall take effect, and be in force, from and after its passage.

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STANDING COMMITTEES

OF

CITY COUNCIL OF GALVESTON FOR 1872.

ON STREETS AND ALLEYS.

J. M. Brown,.....Chairman ;
John Sealy, Julius Frederich.

ON HOSPITAL AND HEALTH.

Johnson Reed,.....Chairman ;
J. M. Brown, Robert Calwell.

ON HARBOR AND WHARVES.

J. P. Cole,.....Chairman ;
M. Kopperl, John Sealy.

ON FIRE DEPARTMENT.

Julius Frederich,.....Chairman ;
Hamilton Stuart, Johnson Reed.

ON MARKETS.

N. Patten,.....Chairman ;
H. Rosenberg.

ON FINANCE AND REVENUE.

M. Kopperl,.....Chairman ;
H. Rosenberg, John Sealy.

ON LICENCES AND ASSESSMENTS.

H. Rosenberg,.....Chairman ;
Hamilton Stuart, J. P. Cole.

ON POLICE.

Hamilton Stuart,.....Chairman ;
Robert Calwell, Thomas Baker.

ON PRINTING.

M. V. McMahan,.....Chairman ;
N. Patten, John Sealy.

ON CLAIMS AND ACCOUNTS.

J. P. Cole,.....Chairman ;
Hamilton Stuart, Julius Frederich.

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